

A CRITICAL CASE STUDY OF PEER MEDIATION AT AN
ALTERNATIVE HIGH SCHOOL

by

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ABSTRACT

At the crossroad of peer mediation and alternative education, discursive and structural tensions emerge. Through critical discourse analysis of student discourse at one alternative school, the examination of the practice of peer mediation within the context of alternative schooling is centralized. Students' discourses are juxtaposed with school officials' discourse, case description, and participant/observation. There are three major findings that surface as a result of this study. First, there is a discourse and practice disjuncture between the positive comments from the students and faculty about peer mediation and the minimal use of the program. Second, there is a lack of structural support for the program on all levels. Third, the peer mediation program does little to transform the power relations and structural components of alternative schooling. In its current format, peer mediation at this alternative school serves the White elites as a public relations program that works to enhance the school's public image rather than transform the students' lives through experiential learning, improved decision-making, and the creation of new opportunities for students to resolve conflict in a more peaceful and productive manner.

To my family

Thank you for everything

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CHAPTER 1

INTRODUCTION

Most pragmatic responses to conflict in schools seek to assign individual blame and to instill individual responsibility in students. In actuality, school conflict is the result of the oppressive social conditions that force students, especially low-income students of color, to feel vulnerable, angry, and resistant to the normative expectations of prison-like school environments (Watts & Erevelles, 2004). The most extreme version of prison-like schooling is occurring within alternative schools in the United States. The number of alternative schools in the United States has risen dramatically (Foley & Pang, 2006; Kim & Taylor, 2008; Munoz, 2004; Warren, 2007). The main purpose of these schools is warehousing disruptive students (Kim & Taylor, 2008; McNulty & Roseboro, 2009). The majority of the students within these schools are youth of color (Glassett, 2012). Thus, the majority of the students who are left in traditional schools are White privileged youth. Thus, we are left with a form of de facto segregation that reinforces the historical legacy of discrimination and racism in schools in the United States. These schools are considered “dumping grounds” (Cox, 1999; Kim & Taylor, 2008) for underperforming students who are labeled “at-risk,” which is a value-laden signifier that puts the blame for failure on the student and removes the blame from the school and the educators. These “at-risk” students are removed from their traditional schools to “help” them get back on

track, however, evidence is mounting that shows that current practices in alternative programs have not resulted in improved academic achievement (Munoz, 2004; Warren, 2007).

Additionally, as a result of reports of escalating school conflict, Cremin (2007) explains that schools, including alternative schools, in the 1980s began to look outside established educational practices for assistance. Strategies have emerged such as the adoption of zero tolerance policies and peer mediation programs to reduce conflict and escalating school violence. Research shows that the use of zero tolerance policies to reduce violence in schools is generally ineffective and discriminatory (Keleher, 2000). Skiba and Raush (2006) explained that despite the controversies that zero tolerance policies create in school districts throughout the country, they continue to be widely used in response to school violence and disruption. In addition to zero tolerance policies, schools have increasingly become more prison-like equipped with police officers, security cameras, security wands, and metal detectors (Watts & Erevelles, 2004).

Unlike the research of zero tolerance policies, research on peer mediation reports high success rates. According to the National Institute for Dispute Resolution (NIDR), 8,500 schools nationwide have adopted peer mediation programs. Additionally, NIDR claims that studies have shown that teen mediation has positive long-term impacts on its participants. Eighty-five percent of students trained in peer mediation use negotiation techniques they learned in training to handle future conflicts.

Locally, United Dispute Resolution (UDR) partners with Avanza, the alternative school that serves the school district in the city. UDR states that peer mediation training programs have benefited thousands of students for over a decade. This positive

endorsement of peer mediation is typical of existing research (Crary, 1992; Gerber, 1999; Hart & Gunty, 1997; Johnson, Thomas, & Krochak, 1998) and is the extent of what we know about peer mediation.

Research Problem

The problem is that peer mediation programs within alternative schools are being implemented without research that focuses on this particular conjuncture. Researchers have not studied the compatibility of peer mediation expectations within alternative school environments. Rather than study peer mediation programs with little consideration of the structural context in which they operate, researchers need to find out if these programs can even work together. Peer mediation programs are dedicated to emancipation, empowerment, autonomy, responsibility and transformation; while, alternative schools serve traditional schools by warehousing disruptive students and have prison-like environments. Where peer mediation is a structure of transformation, alternative schooling is a structure of oppression. Research needs to focus on this nexus: where transformation meets oppression.

Critical theory provides a framework for this kind of analysis, which takes up issues of power, ideology, surveillance, and forefronts marginalized voices, such as the students within alternative schools. Currently, researchers are not using critical frameworks to study peer mediation, alternative schooling, or the combination of the two. The purpose of this study is to critically examine the nexus of peer mediation and alternative schools using a discursive analytic approach.

Research Questions

The following questions guide this research:

1. How do the students at an alternative school participating in peer mediation speak about their experiences within the program? How do administrators and program facilitators speak about the program? (Description Phase)
2. Who is involved in the peer mediation, in what relationship, and what is the role of language and power in what is going on? (Interpretation Phase)
3. How is the students' discourse of peer mediation and alternative schooling operating? What power relations at the structural school level shape the discourse? How is this discourse positioned in relation to power struggles and structural levels? Does the discourse of the students contribute to sustaining power relations or transforming them? (Explanation Phase)

Moses (2001) explains:

Hope. Possibility. Justice. Education holds the promise evoked by three words. The problem is that for far too many students—students of color, poor and working-class students, and female students of all kinds—the educational system in the United States is failing grossly to fulfill its promise (p. 1).

She explains that rather than nurture hope, education causes despair. Instead of giving students a sense of possibility, it constrains students' choices. "In lieu of fostering social justice, it perpetuates oppression" (p. 1). With this in mind, Moses explains that the only way our educational system can fulfill its promise is if we have to have educational policies that are explicitly concerned with social justice.

Peer mediation is not an educational policy but is an educational program that has social justice potential. However, it cannot do its job within a context where it is not structurally supported. This leads to the following exploratory questions: (1) What

happens to the fundamentals of peer mediation programs when students are told by school administrators that they have to either come to an “acceptable” agreement or they are suspended from school? (2) How are the goals of peer mediation education potentially compromised when students view it as a punitive measure rather than a productive measure? (3) How can students practice autonomy and/or speak freely during brainstorming activities when they are being closely monitored by school administrators?

To begin to answer these questions, I will review the literatures of peer mediation and alternative schooling. I will note what has been studied, what needs to be studied, and how it applies to my specific research.

CHAPTER 2

LITERATURE REVIEW

The purpose of this literature review is to: (1) explore the intersecting literatures of alternative schooling and peer mediation; (2) determine what theoretical and methodological approaches most often guide peer mediation research and alternative schooling; (3) understand what research exists on this topic, how it applies to this study and what is missing. To begin I will review the literature of alternative education to understand the context and structure in which peer mediation is operating. Next, I will include an introduction to the practice of mediation and its guidelines to provide a guiding framework for the literature review. I will then describe the practice of peer mediation, and its existence as it is a subcategory of mediation. Finally, I will present a group of researchers that are calling for critical research in peer mediation work.

Literature of Alternative Education

According to Glassett (2012) no standard definition of alternative education exists. However, in recent years there is an intentional narrowing of the definition to schools intended for students labeled as “at-risk” of academic failure (Aron, 2006). A large and growing percentage of these schools are places where students are sent, rather than places their parents chose (Carver & Lewis, 2010). Within the literature of

alternative schools five categories can be established: (1) a description of alternative schools, (2) students enrollment in alternative schools, (3) the systemic role played by suspensions and expulsions, (4) student outcomes, and (5) “effective” alternative schooling. I will review this literature by first reviewing its history and purpose.

Alternative schools trace their roots back to John Dewey’s progressive movement in the 1930s and 1940s, and the Civil Rights Movement of the 1960s (Glasset, 2012). At this time these schools had the goal of equity, aimed at disadvantaged students (Kelly, 1993; Young, 1990). These schools were considered, “Open Schools,” with a non-competitive, student-centered approach. These schools were of choice (Glasset, 2012). These schools emphasized downsizing, student teacher choice, theme based schools and schools operating as a community (Raywid, 1994). According to Glasset (2012), many of these alternative schools did not survive. The 1980s brought a new era of political and social conservatism for the United States, altering education (Young, 1990). At this time the definition of education narrowed and moved from a progressive open concept to a concept that focused on remediation and dropout prevention.

As violence increased in the 1990s, more students who were considered delinquent and disruptive were pushed into alternative school programs. As time went on, school districts were encouraged to place disruptive students into alternative schools (U.S. Department of Education, 1996). This is still the case today. Rather than serve as a productive alternative for students, these schools are more like unofficial juvenile detention centers with heavy surveillance, police presence, and zero tolerance school policies.

There are varying perspectives about the purpose of alternative schools. The federal government states that the purpose is to serve students that are “at-risk” of academic failure (Carver & Lewis, 2010). Others argue that this purpose does not meet the requirements of a fair and equal education (Kim & Taylor, 2008). The debate is on-going regarding the purpose and rationale for these schools. There is also a continuing debate about what the label “at-risk” constitutes.

Raywid (1994) identified three types of schools. Type I are schools of choice, similar to magnet schools. Type II are schools that receive students via suspension, expulsion, or the courts. These schools emphasize behavior modification. Type III schools have a remedial focus, helping them catch-up to return to their traditional schools. Carver and Lewis (2010) explained that most alternative schools are a mixture of Type II and Type III. The majority of the students enrolled in studies of alternative schools were students of color with low socioeconomic status (Glassett, 2012). These students were disproportionately represented when compared to the demographics of their community or to the demographics of traditional schools (Brown, 2007; Daniels & Arapostathis, 2005; Fairbrother, 2008; Kelly, 1993; Loutzenheiser, 2002). Thus, a disproportionate number of students of color with low socioeconomic status are being relegated to these schools, which is a form of de facto segregation. This form of de facto segregation is in the service of traditional schools, not in the service of the students who are being pushed into these programs.

In addition, there is confusion about the definition of the label “at-risk.” It is used to describe characteristics of students associated with “higher dropout rates, low socioeconomic status (SES), specific minorities, homelessness, living in violent

neighborhoods, having a disability, or a low parental education level” (Glassett, 2012, p. 17). The term “at-risk” can reflect a student’s educational experiences, suspension rates, or poor school attendance (Glassett, 2012). According to the No Child Left Behind Act (2002) “at-risk” is:

A school aged individual who is at-risk of academic failure, has a drug or alcohol problem, is pregnant or is a parent, has come into contact with the juvenile justice system in the past, is at least one year behind the expected grade level for the age of the individual, has limited English proficiency, is a gang member, has dropped out of school in the past or has a high absenteeism rate at school (NCLB, 2002, p 1432).

This definition is vague, incomplete, and potentially damaging. What we do know is that researchers have found that alternative schools are populated primarily by youth of color who have been suspended, expelled, are in the juvenile justice system, are pregnant or parenting, or are homeless (Foley & Pang, 2006; Lehr & Lange, 2003).

Many of the studies about alternative schools ask questions about what makes an alternative school effective (Aron, 2006; Dugger & Dugger, 1998; Quinn, Poirier, Faller, Gable, & Tonelson, 2006; Washington, 2008). These studies conclude that there needs to be “personalized environments,” high expectations of social and academic success, a maintenance of high expectations, instruction tailored to individual students, personalized learning, and a high level of “caring” (Darling & Price, 2004; de la Ossa, 2005; Fairbrother, 2008; Saunders & Saunders, 2001).

Others argue that “caring” is not enough. These scholars advocate a critical perspective of alternative schools. They posit that even in the most “exemplary” kinds of alternative schools, students were not instructed effectively (Kim & Taylor, 2008). Using critical theory, Kim and Taylor (2008) found that the school contributed to an inequity in the educational system despite a caring, nurturing environment. Overall, the students

expressed positive emotions about the school and their teachers. However, the researchers concluded that the school's focus on vocational education, lack of college counseling, and refusal to implement a rigorous curriculum impeded the students' educational experience.

Munoz's (2004) ethnographic study of female students of color who were labeled "at-risk" also found that although the students had positive feelings about their school, the learning experience at the alternative school was inadequate. He argued that the school's ideology and methodology of remediation deprived the students of an education that prepared them for success in life outside of school. In this study, Munoz stated that very few of the students graduated, returned to their traditional school, or continued their education. Also, he remarked that academic standards and effective pedagogy were absent, replaced by a belief that it was more important to bolster the students' self-esteem.

This concluding finding of Munoz has been similarly found in many additional research sites (Darling & Price, 2004; Fairbrother, 2008; Loutzenheiser, 2002; Washington, 2008). These scholars concluded that often alternative schools are staffed with caring adults who build a supportive environment with less rigorous academic standards. These students were offered a less challenging education, which hinders their future chances for higher education and potential employment (de la Ossa, 2005; Fairbrother, 2008; Kelly, 1993; Kim & Taylor, 2008; Munoz, 2004; Washington, 2008). Glasset (2012) found that ultimately we are left with a remedial curriculum, with a vocational focus, which contributes to a socially unjust educational system. Furthermore, she explains that alternative schools are a "system that preserves a dominant class, by

applying culturally biased norms resulting in the disproportional disenfranchisement of students in traditionally underserved populations” (p. 29).

Overall, we learn from the research of alternative schooling that the “worst” alternative schools further alienate students and unconsciously encourage deviant behavior (Kim, 2011; McNulty & Roseboro, 2009; Smith, 2003) and that the “best” are considered “warm,” inviting schools where students and adults can create a positive relationship, with less rigorous curriculum and lower expectations of students’ academic performance (Glassett, 2012).

Further research is needed that moves beyond these findings. Researchers need to delve more deeply into the oppressive nature of alternative schooling, asking questions about the balance of power, the use of disciplinary techniques, social inequities, the presences of police and surveillance equipment, governing ideologies, and so forth. This needs to happen to begin to understand the ways in which these schools perpetuate inequities and social injustices. Several researchers emphasize the need to incorporate student voices into this type of research (Brown, 2007; Daniels & Arapostathis, 2005; de la Ossa, 2005; Loutzenheiser, 2002; McNulty & Roseboro, 2009). This, in conjunction with a structural analysis of the oppressive quality of alternative schooling is a step in the right direction to uncover how these schools can better serve their students.

To begin to do this, this research critically studies the experience of students in one alternative school who are all participating together in a peer mediation program. Peer mediation has become increasingly popular as schools are looking for ways to combat rising school conflict and violence. Thus far, researchers have not studied the combination of alternative schooling and peer mediation together. There is no literature

of alternative schooling with this emphasis and within the literature of peer mediation there are few researchers who have engaged in critical work.

The next section of this literature review begins with an overview of mediation where peer mediation originated. It will then provide an overview of peer mediation and its guiding principles and purpose, followed by a review of peer mediation literature, and a section that outlines the “calls for critical work” in mediation studies. It will conclude by making a case for why this kind of research is overdue.

Literature of Mediation

Mediation is a specific kind of conflict resolution. The United States Department of Justice (2010) defines mediation as an informal process where an impartial third party helps disputants find mutually satisfactory solutions to their differences. There are key attributes to mediation that make it unique. The Department of Justice reviews these attributes stating that mediation proceedings are confidential and voluntary for all involved. Mediation typically involves one or more meetings between the disputants and with a mediator. It may also involve one or more confidential sessions between individual parties and the mediator. Mediations are not to be considered as therapy or as a “day in court.” Mediation, rather, should provide a safe environment for disputants to air their differences and to reach a mutually agreeable resolution. Mediators should not be considered judges. Their role is different. They are there to manage the process through which parties resolve their conflicts. The mediator should not decide the outcome. A mediator assures fairness of the mediation process, facilitates communication, and maintains the balance of power between the disputants. To continue, the Department of

Justice explains that a successful mediation results in a binding agreement between disputants. Finally, they claim that disputes involving barrier removal or program accessibility, modification of policies, and effective communication are most appropriate for mediation.

Procedural fairness is an important part of the mediation process. According to Holbrook (personal communication) mediation participants do not want just an objectively fair, agreed-to outcome in mediation. They also want to feel that they have been fairly treated. There are four criteria which are involved in the provision and perception of procedural fairness: (1) the mediator enables the parties to feel heard and acknowledged (“voice”); (2) the mediation is a transparent, easily understood process (“transparency”); (3) the mediator is trustworthy (“trust”); (4) the mediator treats the parties with civility and respect (“respect”). Mediation that incorporates voice, transparency, trust, and respect is perceived as having “legitimacy” and thereby creates a higher degree of satisfaction with an adherence to the agreed-to substantive outcome of the mediation.

Holbrook argues that giving an apology (the recognition and expression of regret that one party has done something, even if inadvertent, to harm the other party) can be a powerful additional feature of procedural fairness. The party receiving the apology should acknowledge it. It is especially helpful in mediation if the parties are able to see the mediator and one another as collaborative facilitators of the problem to be resolved, rather than seeing the mediator as completely neutral and seeing one another as competitors seeking to maximize individual self-interest. Holbrook also states that although mediation can and typically does include relationship-based, interest-based,

rights-based, and even power-based (e.g., resource disparity-based) decision making by the participants, the parties must mutually reach agreement if there is to be a substantive outcome. Procedural fairness increases the likelihood that the parties will reach an agreement. The interjection of voice, transparency, trust, and respect into mediation is accomplished through the use of communication and interpersonal skills, supported by institutional norms, substantive precedent, and procedural consistency.

In 1994 the *Model Standards of Conduct for Mediators* was prepared by the American Arbitration Association, the American Bar Association's Section of Dispute Resolution, and the Association for Conflict Resolution (Holbrook, personal communication). The standards have three stated functions: (1) to serve as a guide for the conduct of mediators; (2) to inform the mediating parties; (3) and to promote public confidence in mediation as a process for resolving disputes. As stated, "These standards are designed to serve as fundamental ethical guidelines for persons mediating in all practice contexts" (p. 2). These standards are meant to be applicable for all kinds of mediation ranging from court-ordered mediation to peer mediation.

The first standard of conduct is self-determination. According to the Model Standards of Conduct, self-determination is the act of coming to a voluntary decision in which each party makes free and informed choices as to the process and outcome of the mediation. This can happen at any stage of the process of mediation. Under this principle, mediators also should not undermine self-determination for any reason such as higher settlement rates, egos, increased fees, or outside pressures from court personnel, program administrators, provider organizations, the media, or others.

The second standard of conduct is impartiality. This means that a mediator shall decline mediation if the mediator cannot conduct it in an impartial manner. “Impartiality means freedom from favoritism, bias, or prejudice.” (Holbrook, personal communication). A mediator must avoid any conduct that gives the appearance of partiality based on a participant’s personal characteristics, background, values, beliefs, performance in mediation, or any other reason. If a mediator is unable to conduct mediation in an impartial manner, the mediator must withdraw.

The third standard of conduct is conflicts of interest. This standard states that a mediator should avoid a conflict of interest or the appearance of a conflict of interest during and after mediation. A conflict of interest is defined as any involvement by a mediator with the subject matter of the dispute or as any relationship between a mediator and any mediation participant, whether past or present, personal or professional that raises questions of impartiality. A mediator must disclose, as soon as possible, all actual and potential conflicts of interest. After disclosure, if all parties agree to continue, the mediation may proceed.

The fourth standard of conduct is competence. A mediator may only mediate if they have the necessary competence to satisfy the reasonable expectations of the parties. A mediator should attend educational programs and related activities to maintain and enhance their knowledge and skills related to mediation. The mediator should have information about their training and abilities available to the mediated parties. If a mediator is deemed incompetent during the mediation process, the mediator shall discuss the steps necessary to address the situation, including but not limited to withdrawing or receiving outside assistance.

The fifth standard of conduct is confidentiality. This means that mediators shall maintain the confidentiality of all information obtained by the mediator in mediation, unless otherwise agreed to by the parties or required by the applicable law. If a mediator participates in teaching, research or evaluation of mediation, the mediator should protect the anonymity of the parties and abide by their reasonable expectations regarding confidentiality. Ultimately, the parties may make their own rules with respect to confidentiality or, the accepted practice of an individual mediator or institution may dictate a particular set of expectations.

The sixth standard of conduct is quality of the process. A mediator should conduct mediation in a manner that promotes diligence, timeliness, safety, presence of the appropriate participants, party participation, procedural fairness, party competency, and mutual respect among all participants.

The final three standards of conduct are more procedural than the first six. They include: advertising and solicitation, fees and other charges, and advancement of the mediation practice. Each of these standards promotes an ethical and honest code of conduct. The final standard discusses the importance of fostering diversity in the field of mediation, striving to make mediation accessible to those who elect to use it, including providing pro bono services where needed, participating in research when given the opportunity, participating in outreach and education efforts to assist the public in developing an improved understanding of, and appreciation for mediation, and assisting newer mediators through training, mentoring, and networking.

Ultimately, the standards of conduct promote a demonstration by mediators to respect differing points of view, seek to learn from one another, and work together to improve the profession and to better serve people in conflict.

Literature of Peer Mediation

Peer mediation is defined as students who have been trained to help their peers resolve disputes by facilitating a mediation session while acting as a neutral party. Peer mediators listen to the disputants carefully, clarify issues, and help parties reach an agreement that they can keep (Association for Conflict Resolution, 2007). Mediation as an alternative means of dispute resolution has been around in various formats since the 1960s. It received national attention in 1984 when the National Association for Mediation in Education (NAME) was formed. NAME brought together educators and mediators working in neighborhood justice centers to determine how to best teach mediation and conflict resolution. As this happened, peer mediation programs increasingly gained the attention of educators. When NAME was established, only a few peer mediation programs existed in the U.S. Now there are thousands of programs throughout schools in every state in the U.S. (Cremin, 2007).

Casella (2001) explains that in peer mediation programs, students who have trained as peer mediators meet voluntarily with fellow students who have disputes to help them solve their problems, thereby avoiding more serious conflict that could occur if there was no mediated intervention. She says educators believe that another benefit to peer mediation is that violence in schools is alleviated, not only when disputants mediate,

but when student mediators learn conflict resolution skills that help them in their lives inside and outside the classroom (Johnson, Johnson, Dudley, Ward, & Magnuson, 1995).

In peer mediation, students representing a cross section of the student body receive intensive training in mediating disputes (Cohen 2003). Upon completion of their training, these students work in teams and offer their services to their peers.

Interpersonal disputes—usually all disputes except those involving weapons, drugs, serious harassment, or violence—are referred to the adult coordinator in charge of the peer mediation program in the school. The coordinator then conducts a brief intake interview with the students involved in the conflict to explain the process and to determine whether mediation is the right way to deal with the dispute. If so, the coordinator selects the appropriate student mediators to conduct the mediation, schedules the session, and supervises if needed. Peer mediation sessions are conducted in areas of school where privacy can be maintained.

Mediation sessions usually last less than an hour—generally: 15 minutes in elementary settings, 35 minutes in middle school settings, and 55 minutes in high school settings. When the mediation is finished, students either return to class or return to school counselors or other disciplinarians. The reported efficacy of peer mediation programs is high (Crary, 1992; Gerber, 1999; Hart & Gunty, 1997; Johnson, Thomas & Krochak, 1998). Cohen (2003) outlines the most frequently mentioned benefits of peer mediation: (1) resolving conflicts effectively, (2) teaching students essential life skills, (3) motivating students to resolve conflict proactively and collaboratively, (4) improving overall school climate, (5) engaging all students, even those students considered “at-risk,” and (6) preventing conflicts from escalating.

Keeping these stated benefits in mind, it may be surprising that researchers like Lane-Garon (1998) argue that peer mediation research has left us with a “paucity of information about how students themselves are affected by mediation training and practice” (p. 201). This happens because of the way the studies are conducted. Of the studies conducted, researchers are most often concerned with proving the statistical descriptions of the outcomes of peer mediation programs under investigation. These studies focus primarily on observable behavior, measurement and quantification, and control of variance and bias. The role of the researcher is that of a passive informant: detached and “objective.”

Much of the literature of peer mediation can be categorized as an attempt to evaluate its efficacy as an add-on program within schools. The majority of the research, from the introduction of peer mediation to schools until the turn of the century is aimed at “proving” its usefulness (see Burell, Zirbel, & Allen, 2003 for a meta-analysis of this research). Within this paradigm, research centered on topics of changes in student self-esteem (Crary, 1992; Roush & Hall, 1993; Stuart, 1991; Vanayan White, Yuen, Teper, 1997), changes in school climate (Caseinerio & Lane-Garon, 2006; Hart & Guntry, 1997; Johnson et al., 1995, 1996), changes in student behavior (Harris, 2005), and reduction in disciplinary problems (Harris, 2005).

In response to the abundance of research focusing on understanding the effectiveness of peer mediation, Burell, Zirbell, and Allen (2003) conducted a meta-analysis of this type of research (published between 1985 to 2003) that met the following criteria: (1) focused on K-12 student populations, (2) used quantitative methods resulting in numerically measurable effects, and (3) involved at least one variable relating to

mediation training or practice in which outcomes of the actual training or practices were measured. Data from 43 studies were included in the meta-analysis. The results were overwhelmingly in support of peer mediation's effectiveness at increasing students' conflict knowledge and skills, improving school climate, and reducing negative behavior. Specifically, the results of the meta-analysis indicated a 93% agreement rate and an 88% rate of satisfaction with the agreements reached in peer mediation. The authors of the study explain that their review "answers critics and demonstrates the value of school-based mediation programs" (p. 7).

The way the results are presented means that these researchers were interested in finding a certain result that proved the effectiveness of peer mediation programs. What is also interesting is the paucity of research on peer mediation that does not have this purpose. Casella (2001) explains that what we are left with is misguided researchers arguing over the subtitles of programs while they are misguided because they "lack an understanding of what 'conflict' means to students in their daily interactions with one another" (p. 163). In other words, the focus of researchers has been so heavily attentive to answering critics about the effectiveness of these programs that we have little evidence of what is happening with students beyond these proven benefits.

Student Voices

Conflict resolution, including peer mediation, is a field that strives for openness to varying points of view. Resolving conflicts and making decisions collaboratively depend on a willingness to hear all sides and to weigh all perspectives. Yet many practitioners and students have a different experience of the field as it applies to themselves (Trujillo,

Bowland, James Myers, Richards, & Roy, 2008, p. xi). Critiques of the peer mediation model argue that there is an absence of systematic sociological and qualitative studies of the worldviews of peer mediators (Hessler, Hollis, & Crowe, 1998). Hessler et al. (1998) addressed this need by studying peer mediation from the perspectives of elementary school students involved in the program. The researchers used Goffman's frame analysis as a research model to understand how the students "framed" their own experiences of peer mediation.

Notably, the administrators of the program "underrated the scope of the mediators' abilities to deal with hard-core violent behavior" (Hessler, 1998, p. 197) at the school. Their adult frame restricted the definition of conflict resolution, whereas the children framed conflict and violence as points on a continuum, a range definition. The young mediators stated that violence was within the range of their abilities to mediate. The major finding of this study was:

The peer mediators transformed the adult model to frame their own values, assumptions, and personal relations skills. We were surprised and impressed by this, given the allure that status and power have in the adult world. Also, the youthful framing occurred in school contexts, in which conformity to rules and regulations was expected (p. 197).

This study is one of a kind in peer mediation research. The researchers were interested in the students' framing of peer mediation and how they made it their own. The researchers were not focused on proving peer mediations effectiveness like most of the applied quantitative research studies on peer mediation.

Students' experiences and their worldview were the central focus of this research. Without specifically describing autonomy, these researchers explored student autonomy in peer mediation through framing analysis, which showed how the students put their

own “spin” on the experience. The researchers explained that the “mediators put their own unique frame on a program that seemed better for it” (Hessler et al., 1998, p. 198).

With a related focus on students’ communication practices within peer mediation, Nix and Hale (2007) examined the communication practices of mediators and disputants during the mediation process itself. Unlike the use of frame analysis, as in Hessler et al. (1998), Nix and Hale focused on the ways in which mediators maintain or deviate from mediation “scripts,” which can be considered a form of “framing” of mediation; however, they did not employ that particular term.

Their purpose was to listen to the ways in which mediators would either adhere to, or deviate from, mediation scripts to see if it would enhance or impede disputant-focused decision-making. Their second purpose was to examine school-based peer mediation from the standpoint of the disputants. Therefore, they were interested in the “ebb and flow” of the peer mediation script, and also in eliciting feedback and reactions from the students themselves.

The researchers of this study reported the following insights as a result of participant interviews: (1) the student participants in peer mediation favored peer mediation by a two-to-one margin and they explained that the absence of teacher involvement was a positive, (2) the students expressed a positive reaction toward the opportunity to talk as a means of resolving problems, (3) mediation participants believed that mediators listened to what was being said and understood the problems, (4) disputants reported a problem with how interruptions were handled because they felt like they were not treated in an even-handed manner, and (5) overall, students believed that

disputants were saying what needed to be said in order to end the mediation. The researchers remarked:

The mediators' inability to mandate a discourse of honesty or enforce the agreements reached was thus seen as contributing in some situations to a meaningless exercise endorsed by teachers and school administrators" (p. 343).

Nix and Hale (2007) explain that as a result they were left with a mixed picture. On the one hand, the students reported a positive experience using peer mediation when it was voluntary because they appreciated how peer mediation kept teachers "out of our problems." However, on the other hand, the students showed skepticism and disdain for the use of the peer mediation process in situations where they had been required by school officials to go to peer mediation.

This illuminates one of the major struggles of peer mediation programs, which is the ability to create an opportunity for students to be empowered with a degree of autonomy and freedom within the context of public schooling.

Language, Power, Autonomy and Responsibility

One of the major obstacles to institutionalizing conflict resolution programs, like peer mediation programs, is that they are based on a set of assumptions incongruent with the culture of many schools (Lindsay, 1995). In other words, these programs emphasize cooperation, whereas the culture of the schools emphasizes competition (Lindsay, 1995). Most adults in schools, as well as in other bureaucracies, have little training or encouragement in managing conflicts cooperatively (Raider, 1995). People may try to avoid conflict, and they may use authoritarian methods to gain compliance (Lindsay, 1995). In this competitive context, teachers figure out ways to control their classes and to

maintain some degree of order (Lindsay, 1995). Peer mediation programs, in contrast, assume more open, trusting, democratic relationships—relationships in which there is frequently conflict, but the conflict is handled in more constructive ways.

Lindsay (1995) argues that conflict resolution training, like peer mediation, is more effective when it is an integral part of a cooperative rather than individualistic learning process. Because students who are learning in a cooperative setting do more of their work in groups and because their academic success depends on the group, conflict resolution skills help these students reach their academic goals (Deutsch, 1973; Stevahn, Johnson, Johnson, & Real, 1996). Lindsay (1995) argues that when teachers are committed to working with students as facilitators encouraging cooperative activities, and school officials are committed to developing a disciplinary system for the whole school that gives responsibility to students, teaching conflict resolution skills is likely to be more effective.

Lindsay's (1995) argument addresses the need for peer mediation programs to exist within a school environment that is conducive to the democratic style of governing of conflict resolution programs. As Bleazby (2006) explains:

If we want students to be autonomous, independent thinkers then we need to provide them with opportunities to critically reflect on their own interests and ideas, to solve problems, to create or transform knowledge, to shape their environment and to make decisions for themselves (p. 34).

Peer mediation can be an opportunity for students to shape their own environment.

Empowerment of individuals is a goal of peer mediation and is accomplished, in theory, because restrictive forms of communication (i.e., adult mandates to resolve conflict in a specified manner) are excluded (Nix & Hale, 2007). In order for peer mediation to be successful, students resolve conflicts through the facilitation of an equal (or peer) rather

than a superordinate (parent, teacher or school administrator). This is a radical shift from traditional modes of instruction because peer mediation subjugates the power or formal authority of teachers (often legitimized through punitive disciplinary measures) to student-initiated (autonomous) decision-making (Ierley & Claassen-Wilson, 2003).

Bickmore (2001) used a case study approach studying six elementary school programs. She explained that the program was designed to foster leadership among students and to develop students' capacities to be responsible citizens by giving them tangible responsibility, specifically the power to initiate and carry out peer conflict management activities. As Bickmore reports, "In practice, as the programs developed, some schools did not share power with any of their student mediators, and other schools shared power only with the kinds of children already seen as 'good' students" (p. 137). She argues that the sharing of authority with students requires both a peaceful context and reflective problem solving. Students can be provided with the opportunity to develop democratically relevant inclinations and capacities as they participate in peer mediation (Bickmore, 2001). Peer mediation is a way for students to share authority for solving real problems in their schools—challenges that also arise outside in the adult political community (Bickmore, 2001).

Schools, like society, have a system of justice and notions of equity. Some of the issues facing them are manifestations of problems confronting society as a whole. Examples of such problems are the need to eliminate racial injustices, crime, and inequalities of treatment toward men and women. Students need to feel a part of the system of justice, and they need to tackle the problems within the school setting in order to gain experience in the agony and frustration of democratic decision making (National Council for the Social Studies statement, 1979).

As Bickmore asserts (2001), "Schools traditionally emphasize adult control more than development of students' autonomous self-control" (p. 154). Discipline is usually

managed by adults in ways that may foster neither learning nor democracy (Schimmel, 1997). Peer mediation can be a powerful instance of democratization if students are given the opportunity to exercise decision-making autonomy, problem-solving responsibility, self-determined outcomes, and so forth.

Bickmore (2001) explains:

Peer mediation, if it involves the delegation of authority for active problem solving responsibilities, goes well beyond skill development. The mediators, and the peers they assist, are more likely to internalize the values—such as nonviolence and a sense of themselves as citizens who are capable and responsible—that they find themselves practicing autonomously (p. 155).

Ultimately, Bickmore (2001) concludes her research stating:

There is a heavy weight of tradition and habit in schools, exacerbated by the newly strengthened demands for centrally controlled academic achievement testing that can get in the way of democratization efforts. By being explicit about the cultural and political goals underlying peer mediation programs, educators may be more able to focus their energies on the important challenges, thereby helping to displace this weight to some degree and making a little more space for learning democracy (p. 160).

What Bickmore is advocating for is an experiential learning model where students are granted the opportunity to grow and develop.

Bickmore's education model echoes Dewey's (as cited by Simpson, Jackson, & Aycock, 2005) work on education, which challenged traditional modes of learning by advocating for experiential learning models. He argued:

Since learning is something that the pupil has to do himself and for himself, the initiative lies with the learner. The teacher is a guide and director; he steers the boat but the energy that propels it must come from those who are learning (p. 140).

Peer mediation is a form of experiential learning, where students are “steering the boat.”

Peer mediation puts the students at the heart of the learning experience, as they are required to lead, foster dialogue, problem-solve, and generate options to solve real-life

conflicts. However, the only way this can work is through trust, support, and the sharing of power by school officials and educators who are willing to trust in the process of peer mediation and in the students. Within the practice of alternative schooling, the sharing of power with students is a radical premise, which seems unlikely at best.

Calls for Critical Research in Mediation Studies

There are a growing number of conflict resolution scholars who are calling for critical research about conflict resolution education, including peer mediation. They argue that mediation needs to do more to foster emancipation and transformation in students' lives. To be clear, these scholars have not conducted this research but they argue that it is overdue.

Chene (2008) explains:

It is critical to be fully aware and cognizant of the social reality in which we are practicing conflict resolution. We live in a diverse, multicultural society in which the beautiful differences between human beings have been institutionalized according to a dominant, power-over model of resolving differences (p. 33).

Trujillo, Bowland, James Myers, Richards, Roy, (2008) argue that numerous people of color, in particular, feel largely invisible in accepted training modalities of conflict resolution and literature, perceiving their experience and insights to lie outside the boundaries of what is defined as pertinent knowledge. According to Trujillo et al., in the world of conflict resolution a monocultural dynamic has set in, dominating narrowly construed understanding of both practice and theory. They argue that the meaning of conflict resolution changes depending on who is asking the questions, who is answering them and under what circumstances, and who is listening. Information changes

depending on who has power and who has been marginalized—and who fits into each of those categories changes too, depending on contexts and moments in history.

Trujillo et al. (2008) explain that they are concerned not only with the exclusion of practitioners and scholars of color, but also with an absence of critical dialogue about questions of social justice. They are not alone in this assessment (see Chang, Basey, Carey, Coleman, & Hoban, 2008; Chene, 2008; Myers, 2008; Hairston 1999; Wing, 2008). Trujillo et al. explain that conflict resolution needs to be a way of seeking change, social justice, social responsibility, health, freedom, liberation, and the elimination of oppression for all. Conflict resolution is a way to explore a solution from inside out and from outside in. Finally, they argue that although they understand that politics enters into every conflict resolution experience, such politics are rarely expressed or stated openly during the process of conflict resolution.

Likewise, Myers (2008) wants politics to enter into the conversation of conflict resolution. She offers two questions for scholars of conflict resolution:

How can peace management and conflict resolution be enhanced for marginalized groups and everyone else in monoculturally hegemonic societies? Are there ways of being in a world that better accommodate the differences across cultural groups and individuals that may lead to conflict? (p. 22)

Asking questions about marginalization, monoculturality, and hegemony begins the process of uncovering biased assumptions in peer mediation that have not been studied before. Myers continues by stating that conflict resolution practitioners could benefit from questioning assumptions underlying their worldview and from taking steps to develop an appreciation for a set of assumptions more in line with those contributing to the unity and peace management that unity consciousness provides. Additionally she argues that those seeking a deeper understanding of how to find peace should search out

the voices of those previously overlooked; however, the challenge for many is to become aware that there is a valid and viable way of seeing and being in the world that differs from their own. She argues that we can do this by moving “beyond the limited conception that only certain knowledge is of central importance and that other knowledge is of marginal value” (p. 30).

For Chene (2008) conflict resolution is another resource that “should be put at the service of the broader and never ending task of transforming relationships of dominance into ones of equality and cooperation” (p. 33). He argues that conflict resolution skills are indispensable tools in the struggle for social transformation, social justice and equality. He also poses a challenging question for scholars of conflict resolution education and peer mediation to consider: “When we talk about racism, sexism, homophobia, and so on, what are we referring to if not a model of dominance and chronic conflict?” (p. 33).

He explains that what we are doing by attempting to reconcile diversity, without addressing power relations, results in pretend diversity—an attempt to create inclusion without the dominant culture having to reciprocate and take responsibility for its side of the inequity. This model allows organizations to pretend to become inclusive without acknowledging the oppressive nature of the workplace structures. Nor do they have to acknowledge that bureaucracies, through their policies, exist to socialize us all to the White cultural worldview. Likewise, schools are oppressive structures that act in a similar way, socializing dominant cultural worldviews. Chene emphasizes that:

Mediation, though helpful for immediate problem solving, allows the postponement of addressing the real source of conflict: the oppressive nature of many hierarchies, which includes the lack of caring for the workers (p. 35).

Chene argues that those who practice conflict resolution need to teach and help others embrace creative conflict resolution and creative discomfort as being essential components of recreating intercultural community. He believes that if we frame and creatively mediate and facilitate our conflicts, conflicts then are simply grand opportunities to learn and be transformed. In order to do this we must be, “fully aware and cognizant of the social reality in which we are practicing conflict resolution” (p. 33).

Wing (2008) agrees with Chene’s call for action. She also challenges conflict resolution educators to introduce students to mediation by presupposing that racism and other forms of oppression are tied to the participation of both the mediator and the parties to a conflict. She calls for a change of focus away from a focus on achieving neutrality and symmetry in mediation to building a counter-narrative to that “thematic imbedded in the master narrative” (p. 107).

Wing focuses on the premise of neutrality, which she explains is the core element of conflict resolution theory and practice inside and outside of U.S. courts. She argues that neutrality is a value embedded in a Western ideology of positivism that assumes it is possible for the observer to be separate from the observed. She explains that just as mediation can live up to its promise of empowerment and mutual engagement in democratic conflict resolution, it can also replicate disenfranchisement. Historically, Wing argues that the field of mediation has underserved large segments of the population. It also privileges discourse that resonates with the master narrative. Finally, she explains:

Although some mediation scholars and practitioners, overwhelmingly people of color, have long articulated the problematic nature of a lack of attention to cultural and power inequities in mediation, their voices have not set the research agenda for the field. This must change if the field is to reflect and serve all members of our communities (p. 107).

Chang, Basey, Carey, Coleman, Hoban (2008) ask a poignant question about change in conflict resolution education:

How might those in conflict resolution begin walking against the flow of oppression and racism to create positive change? More specifically, how can conflict resolution, as an established field but also more generally in all its various forms of theory and practice, be relevant and ideally serve as a tool for promoting change and discovering actual justice (p. 110)?

These scholars argue that, although there are many positive effects of conflict resolution, there are also many ways in which conflict resolution generally fails to live up to its potential and may even contribute to greater injustice, particularly when it fails to engage structural injustice. They believe that this happens because many conflict resolution programs lack a means to or a built-in conscientiousness in acknowledging important factors. Ultimately, they explain that conflict resolution can also be a tool of oppression and not just a positive and constructive force producing peace and justice. This happens, in part, because a mediator may unintentionally validate dominant cultural narratives over those from the cultural margin.

Furthermore, they believe that mediators need to do more than just serve as a tool of social justice for people oppressed by systemic racism or class injustice. They must also understand the structural inequities and power dynamics that exist and how these affect the individuals and cultures in dispute as well as every aspect of a conflict or an attempted resolution. Their solution starts with mediators increasing their understanding of race and the systematic roots of conflict, as well as an awareness of their own culture and contexts of privilege.

Within the context of peer mediation and schooling, the call for more critical research and practice, which centers social justice, is overdue. Just as mediation scholars

argue that the field of mediation lacks emphasis on the structural inequities and power dynamics integrated into the practice, peer mediation likewise lacks this emphasis. As students participate in peer mediation practices within an educational system that has “failed to live up to its promise” (Moses, 2001) and which can “cause pain and suffering among students” (ibid), the process is set up to fail.

Bray (1997) suggests that the U.S. education system is oppressive for far too many students of color. Moses (2001) argues that rather than be an oppressive experience for students, particularly youth of color, education’s goal ought to be to help students develop personal autonomy and responsibility in such a way that they can conceptualize and pursue life’s possibilities. This should also be the goal of peer mediation: an educational practice that fosters social justice, opportunities for student growth, development of personal autonomy, and at the very least, a chance to resolve conflicts in a more peaceful manner.

As a result, my purpose is to further the study of peer mediation within alternative schooling from a critical perspective, delving into issues of autonomy, responsibility, sharing of authority, and power. Also, to study and describe the transformative potentials of peer mediation pedagogy as a form of experiential learning, which provides students with the opportunity to grow through active participation. In my research, I ask questions of the potentiality of peer mediation and alternative educational structures working together, positing that alternative schools, as they are currently operating as structures of oppression, are inherently unable to support the transformative, collaborative requirements of peer mediation.

In the next chapter of this paper, I will outline the theoretical framework of critical study that I used for this research. I will also articulate the research methodology and research methods used in this work. This will describe my data collection and data analytic approach.

CHAPTER 3

STUDY DESIGN

Theoretical Framework

Anthropological work on education has tended to emphasize the contradictory role of schooling as both a path for personal and collective advancement and a powerful and subtle instrument of domination and control (Hall, 1999). Frequently focusing on issues related to power, this body of research has often questioned the belief that schools are neutral institutions providing equal opportunities for the achieving of social mobility and increased prosperity (Hall, 1999). In the U.S., ethnographic research in schools and classrooms has provided literature about how forms of inequality are reproduced as well as challenged (Hall, 1999). According to Hall (1999), recent developments in cultural theory have provided powerful analytic tools for understanding how power and cultural differences influence students in school and the processes of teaching and instruction (Levinson & Holland, 1996). Finally, Hall argues that education researchers, reformers, and practitioners need theoretical formulations to help them understand and address the role that schools can play in bringing about greater equity, opportunity, and social integration.

This section describes the theoretical formulations adopted by my study. I begin by providing a broad overview of critical theory as described by Kincheloe and McLaren

(2005). I do this in an effort to give a conceptual foundation for this kind of study of peer mediation and alternative schooling using this theoretical perspective. From this larger theoretical umbrella of critical theory, I will narrow my discussion specifically to Foucault's theories of power, discourse, and the construction of knowledge and to Fairclough's critical discourse analysis. In this section, I will outline analytical tools that I will use to engage the theories mentioned. Combined, these theories and analytical tools provide a theoretical framework for research into educational purposes and practices that link power, discourse, and the construction of knowledge, which provides a fuller understanding of peer mediation within alternative schooling.

Critical Theory

Kincheloe and McLaren (2005) explain that it is difficult to define critical theory because: (1) there are many critical theories, not just one; (2) the critical tradition is always changing and evolving; and (3) critical theory attempts to avoid too much specificity, as there is room for disagreement among theorists. They argue that to lay out a set of fixed characteristics of the position of critical theory is contrary to the desire of critical theorists to avoid the production of blueprints of sociopolitical and epistemological beliefs. Although it is hard to specify what it is exactly, Kincheloe and McLaren (2005) explain that there are certain basic assumptions that guide critical theory:

- All thought is fundamentally mediated by power relations that are socially and historically constituted

- Facts can never be isolated from the domain of values or removed from some form of ideological inscription
- The relationship between concept and object and between signifier and signified is never stable or fixed and is often mediated by the social relations of capitalist production and consumption
- Language is central to the formation of subjectivity (conscious and unconscious awareness)
- Certain groups in any society and particular societies are privileged over others and, although the reasons for this privileging may vary widely, the oppression that characterizes contemporary societies is most forcefully reproduced when subordinates accept their social status as natural, necessary, or inevitable
- Oppression has many faces and focusing on only one at the expense of others (e.g., class oppression versus racism) often elides the interconnections among them
- Mainstream research practices are generally, although most often unwittingly, implicated in the reproduction of systems of class, race, and gender oppression (Kincheloe & Steinberg, 1999).

Critical theory is unique because it is not afraid to be political. It has emancipatory goals with an action orientation. For Smith (2005), critical theorists have held out hope that research could lead to emancipation and social justice for oppressed people if research could understand and address unequal power relations.

For some, an understanding of critical theory requires a new way of thinking about research and theory in general. Positivist research differs from critical theory as it clings to the “guardrail of neutrality,” while critical researchers frequently announce their participation in the struggle for a better world (Grinberg, 2003; Horn, 2000; Kincheloe, 2001; Kincheloe & McLaren, 2005). Critical researchers try to become aware of their own presences and participation as well as their subjectivity, intersubjectivity, and normativity in the process of research. They take on a form of self-conscious criticism where they try to be aware of ideological imperatives and epistemological presuppositions that inform their work (Kincheloe & McLaren, 2005). This is an important step because, for example:

If we view the violence we find in classrooms not as random or isolated incidents created by aberrant individuals willfully stepping out of line in accordance with a particular form of social pathology, but as possible narratives of transgressions and resistance, then this could indicate that the ‘political unconsciousness’ lurking beneath the surface of everyday classroom life is not unrelated to practices of race, class and gender oppression but rather intimately connected to them (Kincheloe & McLaren, 2005, p. 306).

Uncovering the “political unconsciousness lurking beneath the surface” represents a unique way of doing research. This is exactly what critical theory aims to do.

Lincoln (2001) uses the term *bricoluer*, to describe a critical theorist and critical researcher. Originally the term was used to describe a handyman or handywoman who makes use of the tools available to complete a task (Harper, 1987). For Lincoln, the task of a critical theorist *bricoluer* is to use the tools available to attack the complexities of the lived world and the complications of power. *Bricoluers* also move actively rather than passively through the complex world, steering clear of preexisting guidelines and checklists, “tinkering” with research methods by involving high-level construction,

reconstruction, contextual diagnosis, negotiation, and readjustment. Critical theorists as bricoleurs seek to produce practical, pragmatic knowledge, a bricolage that is cultural and structural, judged by its degree of historical situatedness and its ability to produce action, or praxis (Denzin & Lincoln, 2003).

As a critical bricoluer we work to uncover the way power tacitly shapes what we know and how we come to know it (Kincheloe & McLaren, 2005). As Jewett (2006) argues, this gets to the “hard stuff” that sows the seeds of social change and educational equity. The application of critical theory and critical praxis to the study of peer mediation gets us closer to the “hard stuff” that will eventually lead to the social change and educational equity that it was designed to foster.

As I approach this study, I utilized Kincheloe and McLaren’s tenets of critical theory as my guide in an effort to be a critical bricoluer while studying peer mediation and public schooling. First, I will begin my study with the understanding that all thought is fundamentally mediated by power relations that are socially and historically constructed. This means that I will approach this study with the perspective that power between students, the teacher, myself as the researcher, and all those who interact with the students, is continuously being negotiated, reified, resisted, and so on, as it is a fluid, ever evolving part of the construction of the social and cultural reality of the classroom. This is an important part of the way that I understand how the students are engaging in mediation. In mediation, there is an assumption of “empowerment” and “fair process,” one of the ways that I can assess the way this is happening is by listening to the way students are negotiating power. This can be achieved in many ways, for example, who is speaking first, who is interrupting whom, who is speaking more confidently, who is

staying silent, who is comfortable in the process, who is looking forward, who is looking down at their desk, and so forth. These kinds of discursive and nonverbal indicators, suggest the continual negotiation of power.

Second, I understand that “facts can never be isolated from the domain of values or removed from some form of ideological inscription” (Kincheloe & McLaren, 2005). This was a fundamental part of my study because I argue that the structural component of peer mediation, which is public schooling, cannot be removed from the equation when trying to understand the process the students are facing when mediating conflict. In this particular case, the role of the structure cannot be dismissed. In approaching this study, the role of the school and its ideological influence is an intrinsic component in the way the peer mediation process operates. In mediation, the process is voluntary and self-determined, the question here is if this can really happen within a structure like alternative schooling, which is highly administered, highly bureaucratic, and highly regulated. Are the students able to negotiate in a manner that is “self-determined” in an environment where their agreements have to be “approved” by the administration? Are the students able to choose mediation voluntarily or are mediations mandatory? These questions link the structure as an ideological apparatus to the process of peer mediation.

The third assumption states, “the relationship between the concept and object and between signifier and signified is never stable or fixed and is often mediated by the social relations of capitalist production and consumption” (Kincheloe & McLaren, 2005). This economic relationship of consumption and production is often reproduced and replicated inside U.S. public classrooms. This perspective of consumption and production is influential on the way students are taught to mediate conflict. Often conflict mediation

becomes about who can “win.” This can then become a competitive process where there is a “prize” or reward involved, which can be as simple as just winning. This can affect the way students approach conflict mediation and the way they negotiate the outcome of peer mediations.

Next, Kincheloe and McLaren (2005) argue that, “language is central to the formation of subjectivity.” This assumption of critical theory is instrumental to this study. This study takes the perspective that language is constitutive as central. In other words, I am operating with the perspective that language is not neutral but consequential, historical, ideological, powerful, and socially constructed. It is highly influential in shaping individual subjectivities. This view of language, within the context of the study of peer mediation and public schooling, centers its ability to forcefully reproduce social inequities, power imbalances, social subordination, and so forth, for the students who are participating in a process that seeks to be an equitable, fair, empowering experience. This perspective is key to understanding how I will be studying peer mediation and alternative schooling. I will be using critical discourse analysis, which has a compatible viewpoint of language, as an analytical guide within the process.

The fifth assumption of critical theory states that certain groups are privileged over others and, although the reasons for this vary widely, the oppression in contemporary societies is most forcefully reproduced when subordinates accept their social status as natural, necessary or inevitable. The hierarchy of alternative school is well established. In this particular case, the acknowledgement of the privilege of certain groups over others is crucial to the study of this topic. Not just from a standpoint of teacher and student relationships but also from other factors such as race, class, gender,

socio-economics, and so forth. Privilege is manifest in discursive differences, which are intrinsically tied to oppression. For example, some of the students may struggle with the use of the English language, as it is not their first language. At the same time, their teacher may privilege students with a higher proficiency in the English language. Within peer mediation, which is a process which values equity and fairness, privileging one student over another is detrimental and even damaging to the process. Even more so, perhaps, is the reality that students may “forcefully reproduce” oppression as they “accept their social status as natural, necessary, or inevitable” (Kincheloe & McLaren, 2005). In peer mediation, if a student mediates conflict from a mindset or position of inferiority or subordination, the process seems unlikely to succeed, let alone be fair, empowering, or balanced for those involved.

Kincheloe and McLaren (2005) additionally argue that oppression has many faces and that focusing on only one at the expense of others elides the interconnectedness among them. In this study, this concept is a central part of the way I am approaching the research. This study is not selecting one kind of oppression within the context of peer mediation and public schooling. It emphasizes the many faces of oppression and the way they all come together to create power imbalances, discursive inequities, and social injustices. As it is the goal of peer mediation to foster a fair process for students to transform conflicts into productive agreements, recognizing the multiplicity of faces of oppression is a critical component of the research process.

Finally, Kincheloe and MacLaren (2005) argue that mainstream research practices reproduce systems of gender, class, and race oppression. With my literature review, one of my goals was to point out the ways in which previous research on peer mediation has

done little to break away from evaluative research, which most commonly has a positivist perspective. This to me contributes to the status quo of peer mediation research that can reproduce systems of oppression. As I have shown in my literature review, academics are beginning to ask for a change in traditional research practices of peer mediation and conflict resolution toward a critical research perspective.

Each of the assumptions of critical theory will guide my research as fundamental insights to the way I approach the research and analysis of this case study. I will connect these critical theory assumptions to my research utilizing the research methodology of critical discourse analysis.

Fairclough (1989) explains that discourse is a place where relations of power are actually exercised and enacted. Power exists both in and behind discourse (Fairclough, 1989). This means that, on the one hand, power is exerted in discourse, the things that are said. On the other hand, there are relations of power behind discourse, the consequences and implications of what is said. Interestingly, according to Fairclough, those who have power constantly have to reassert it. Likewise, those without power are likely to bid for it. He explains, however, that individuals often do not recognize the mobility of power through discourse, thus they demonstrate insecurities about power within discourse. They are compelled to continuously reassert power in order to assure themselves that they still have it. This happens in different ways in discourse through verbal interruptions, leading questions, demonstration of expertise, and confrontational listening.

Fairclough argues that any institution like schools will have mechanisms for achieving “coordinated knowledge,” which is negotiated. This happens because: (1) no alternative seems conceivable; (2) coordination is imposed in the exercise of power

through inculcation, which Fairclough describes as “motivated by a wish to recreate the universality and ‘naturalness’... [of] partial and interested practices to facilitate the exercise and maintenance of power;” and (3) coordination can be achieved through a process of rational debate (p. 75). Inculcation is the mechanism for power holders to preserve their power, while communication is the mechanism of emancipation and the struggle against domination. Fairclough specifically outlines analytical guidelines for the study of discourse and power. This method is commonly known as critical discourse analysis (CDA). CDA methodology requires description, interpretation, and explanation (Fairclough, 1989).

During the description phase, researchers ask questions about the vocabulary, grammar, and textual structures of discourse. Examples of these questions include: What experiential values do the words have? Are there markedly formal or informal words? Is agency unclear? Are sentences passive or active? Are sentences positive or negative? Are the pronouns “we” and “you” used? If so, how? Are complex sentences characterized by coordination or subordination? What means are used for referring inside and outside of the text? How do more powerful participants put constraints on the contributions of less powerful participants by using discourse devices such as interruption, enforcing explicitness, controlling topic, and formulation? What larger scale structures does the discourse have?

During the interpretation phase, researchers are concerned with combining what is in the text (which is uncovered during the description phase) and what is “in” the interpreter. To do this, the researcher must analyze the discourse using the following question as a guide: Contents—What is going on (activity, topic, purpose)? Subjects—

Who is involved? Relations—In what relations? Connections—What is the role of discourse in what is going on?

Finally, the last stage of analysis is explanation. The researcher begins by focusing on organizational determinants by asking, “What power relations at the situational and organizational levels help shape this discourse?” Next, the researcher turns to ideology by asking, “What elements of the participants’ background knowledge being drawn upon have an ideological character?” Then the researcher looks at the effects of the discourse by asking, “How is this discourse positioned in relation to power struggles at the situational and organizational levels? Are these power struggles overt or covert? Does the discourse contribute to sustaining power relations, or transforming them?”

This approach was instrumental in my analysis and the answering of my research questions, which state:

1. How do the students at an alternative school participating in peer mediation speak about their experiences within the program? How do administrators and program facilitators speak about the program? (Description Phase)
2. Who is involved in the peer mediation, in what relationship, and what is the role of language and power in what is going on? (Interpretation Phase)
3. How is the students’ discourse of peer mediation and alternative schooling operating? What power relations at the structural school level shape the discourse? How is this discourse positioned in relation to power struggles and structural levels? Does the discourse of the students contribute to sustaining power relations or transforming them? (Explanation Phase)

My theoretical approach combined with my research methodology link power to discourse and interrogate concepts such as construction of knowledge, domination and resistance, inculcation of power, mechanisms of control, and social justice. This perspective is instrumental in my analysis of this case.

General Approach

Utilizing critical discursive qualitative research methods, my sources of data include interview transcripts, field notes, class work, and participant/observation notes. I chose to use a case study design because it lends itself to a greater breadth of information about the participants under study. “A case study design is employed to gain an in-depth understanding of the situation and meaning for those involved” (Merriam, 1998, p. 19).

My case study involved a group of students at an alternative high school participating together in one term-length peer mediation program. I chose a case study design because I wanted to learn from the students, observe their interactions and participate with them. I also wanted to be in the alternative school so that I could become familiar with its social patterns, rules, regulations, personnel, and the overall school climate and culture. Patton (2002) argues that the depth in which each individual’s experience is described provides the fundamental foundation of understanding and also allows us to “draw our own interpretations about meaning and significance” (p. 438). This can lead to a construction of a “thick description” which is a “kind of intellectual effort that is an elaborate venture” (Geertz, 1973, p. 6). Denzin (1989) elaborates on Geertz’s concept saying that a thick description:

...does more than record what a person is doing. It goes beyond mere fact and surface appearances. It presents detail, context, and emotion, and the webs of

social relationships that join persons to one another. The thick description evokes emotionality and self-feelings. It inserts history into experience. It establishes the significance of an experience, or the sequence of events, for the person or persons in question. In thick description, the voices, feelings, actions, and meanings of interacting individuals are heard (p. 83).

This is foundational in merging microanalysis with macroreflection (Ashcraft, 2001).

According to qualitative research, “one needs to see a social situation from the point of view of the actors in order to understand what is happening in that situation” (Lindlof, 1995, p. 30). In order to do this, I engaged with the students within their classroom frequently to gain an understanding of their perspectives and to uncover the meanings of “rituals and other symbolic forms which cannot be known in advance” (Lindlof & Taylor, 2011, p. 56).

Case Profile

Students at Avanza range in age from 12 years old to 85 years old. They come from 64 countries and speak 82 languages, with 90% of the student population living at or below the poverty level. Within this population of students, approximately 800 students are high school students and 80 are intermediate students. The adult high school program serves more than 2,200 students pursuing basic literacy, high school diplomas and GED diplomas. Additionally they have 2,600 students studying English in their English language program.

The mission of the school is to give all students an opportunity to succeed by providing a rigorous foundation of knowledge so they are ready to work, to continue their education, and to engage in the practice of freedom. According to the school administrators, the school is a “progressive non-traditional public high school with

students who face enormous challenges while completing their high school education” (personal communication, September, 2010). The school district describes Avanza as a “multicultural, ambitiously innovative and comprehensive multi-campus school whose many flexible programs serve the needs of students throughout the area” (personal communication, September, 2010). The annual index for ethnicity, low income reporting, and enrollment confirm the school district’s claims that Avanza is a multicultural institution. According to their school website, last year Avanza had a low income reporting of total free and reduced lunch of 83.96% vs. the district average of 53.36%. It also reports a 77% total minority enrollment with a majority of Hispanic students at 64% of the total student population. These demographic data show a disproportionate number of youth of color with low SES attending this school in comparison to other State public schools.

Before I entered the school, the teacher of peer mediation at Avanza explained that the process of selecting students for peer mediation happened through the school guidance counselor. According to Tina, the teacher of the peer mediation program, a student receives a teacher recommendation to join the peer mediation program. The students chosen are in 11th and 12th grades and are considered “high-functioning” students, which means according to their teachers they have good grades, good behavior, and have not been involved in a school disciplinary program. After their initial peer mediation training in the peer mediation class, students begin conducting mediations for students who are directed to peer mediation by their teachers.

This research study was open to the entire population of students involved in the peer mediation class at the school. At the time of my study, 4 students enrolled in the

peer mediation program. The case study included the school and the United Dispute Resolution, a nonprofit organization providing mediation services and training on conflict resolution to the community.

Research Methods

I made use of four research methods for this case study (1) participant/observation, (2) interviews, (3) collected documents, and (4) field notes. First, I will outline each method, the purpose of the method, the way I used it for the study, the way the collected data were analysed, and how I used it to answer my research questions.

Participant/Observation

Marshall and Rossman (2006) explain that participant observation is an essential element of qualitative study. It demands first-hand involvement in the social world chosen for study. This provides a level of immersion in a setting that permits the researcher to hear, see, and to begin to experience reality as the participants do. The immersion offers the researcher the opportunity to learn directly from experience. Personal reflections are an integral part of the analysis because they offer the researcher a new vantage points and opportunities to make the strange familiar and the familiar strange (Glesne, 1999). Participant observation was extremely helpful in answering my research questions as it gave me insights both verbally and nonverbally about how the students were communicating about conflict and mediation, the way they related to each other, and the power dynamics among all the participants, which included the students, the teacher, the other school officials, and myself as the researcher.

I worked with the peer mediation students closely by being in class with them every day for the entire term. The peer mediation class started at the end of January 2011 and ended at the beginning of May of 2011. In total I observed 31 class periods with the peer mediation students. Also, on 7 different occasions I observed 3 different conflict resolution advisory classes outside of the peer mediation class. These are short workshop style minicourses that are taught to all of the students at Avanza. The teacher of the peer mediation class visits the students for 15 to 20 minutes in their second period classrooms. During this time period, she teaches the students basic skills of conflict resolution such as listening, brainstorming, and asking questions.

Altogether I observed 52 class periods at Avanza. I also spent time observing the students in the hallways of the school between classes and before and after school. I observed 2 group meetings with previous peer mediators, 1 school assembly, a school lunch, a faculty meeting, a reading class and the school library. In addition, I observed the school peer court, the main offices, the police officers' surveillance room, and the offices of United Dispute Resolution, who runs the peer mediation program for Avanza. This work generated 341 pages of field notes. With permission, I used a digital tape recording device while in the school. This tape recorder was always visible to the students and faculty. I transcribed the tape recordings and took notes about my observations.

I utilized Emerson, Fretz, and Shaw's (1995) approach as a guide in the field note method. They outline the process of writing detailed notes, depicting scenes, writing extended entries and the implications for writing field notes. These guidelines were useful to me as I conducted my participant observation research. Overall, my field notes

provided analytic insights and clues that focused data collection more tightly and provided important questions for interviews (Marshall & Rossman, 2006).

Interviews

Interviews were an important part of this study. In order to understand students' experiences mediating conflict, their narratives about their experiences were foundational to this study. While I was at Avanza, I interviewed each of the current peer mediation students in the program. At this time there are only 4 students enrolled in the program at Avanza. Although I had been told by the director of United Dispute Resolution, the school staff, and a past teacher, that there would be at least 10 to 12 students, this was not the case. On the first day of class, there were no students enrolled and by the second day there were 4 students. As a result of the small number of current students and in order to have a fuller picture of the peer mediation program, I also interviewed the peer mediators who were still attending Avanza and who were trained mediators. Additionally, I contacted a group of graduated students who had participated in the peer mediation program at Avanza, these students declined to participate.

I interviewed each of the current students participating in the peer mediation program at the beginning of the semester and at the end of the term. I also interviewed them as a group in the middle of the term, and the following fall after they were certified as peer mediators. This process was completely voluntary and the students chose to participate in the interviews. When I entered an interview I brought planned questions but used a conversational communication style. If the students wanted to talk off-script, I encouraged that open dialogue. While I was in the group interviews and the individual

student interviews, I did not interrupt the students, change the subject, or correct them. I often talked with the students informally throughout the term, particularly before and after class. As the term progressed, the dialogue between us became more natural and frequent. I was even asked by a student for my Facebook information but the student never “friended” me. The interviews were short, less than 30 minutes, primarily because of classroom time limitations, but also out of respect for the students and the teacher. I did not ask the students to meet with me outside of class. I did not want to intrude on their busy and demanding schedules at home, with homework, family responsibilities and jobs. During my time with the students, I followed the guidelines of Marshall and Rossman (2006) stating that each individual’s perspective unfolds as the participant views it (the emic perspective), not as the researcher views it (the etic perspective).

In addition to the student interviews, I interviewed the school principal, school guidance counselor, the 2 vice-principals of the school, 2 social workers, the past teacher of peer mediation, the current teacher of peer mediation, a computer teacher, 2 “off-site” teachers, and the director of UDR. I interviewed the current peer mediation teacher many times at the beginning of the class, the midpoint of the term, the end of the term, and the beginning of the next year. I transcribed this interview data and took detailed notes about the interaction, which culminated in 114 pages of interview notes. I triangulated my field note data with my interview data, as well as with my collected document data to compile my analysis for this case study. I did this in order to increase the credibility and validity of my research findings through the cross verification of two or more sources.

Document Collection

With the students' permission, I collected their class work, journal pages, and the course outlines for the peer mediation class. This work included all exams, written assignments, class outline, syllabus, and journal pages for the term. I also collected printed descriptive materials from the school and the school district describing Avanza, the students, administrators, and faculty. These collected documents totalled over 300 pages of additional material. I began this study in the fall of 2010 and conducted my last group interview with the peer mediation students in the school library in September of 2012.

Research Rigor

Researchers need alternative models appropriate to qualitative designs to ensure the rigor of research without sacrificing its relevance (Krefting, 1991). This research was a collaborative engagement with the students, teacher, and others involved in this study. In the form of reciprocity, I asked the students, teacher, and school administrators as well as those coordinating the training at UDR, how they would like me to partner with them. I participated with the students, fostered dialogue, and asked questions as they directed me. In order to establish trustworthiness, I relied on triangulation, involving the convergence of multiple data sources and also multiple methodological approaches.

Denzin (1978) explains that the use of triangulation can improve understanding and/or the credibility of a study. I utilized reflexivity (field journaling) as a way to increase the trustworthiness of the study, both personal reflexivity as a researcher and epistemological reflexivity of the research process and research questions. In the area of

transferability I utilized thick description. I also utilized a case method approach to document the details of a particular phenomenon. I contextualized the research with demographic data. Finally, in the area of dependability I provided a thick description of research methods and triangulation.

Ethics

I let the students and other study participants know that if they were uncomfortable with the study or any of the study formats (i.e., interviewing, observation, and so forth), they could decline to participate in the study. This did not happen. I also told them that they could participate in parts of the study in which they are comfortable while declining to participate in other portions. This did not happen either. The students and other participants never commented on being uncomfortable throughout the entire study.

This study was governed by the University's Institutional Review Board and therefore adhered to its ethical protocols. It was also reviewed by the School District's Office of Evaluation and Assessment. Additionally, participants in this study were thoroughly told about the implication of ethical concepts such as risk, no intent to harm, informed consent, and the right to withdraw from the study at any time. This study also adhered to the ethical protocols of the host institutions (i.e., the school and UDR) at which the research was undertaken.

CHAPTER 4

SCHOOL OFFICIALS' DISCOURSE ABOUT PEER MEDIATION

“It is not that peer mediation is the problem; it is the way it is happening at this school with these students” –Past Teacher of Peer Mediation at Avanza

Grossberg (2005) states, “Kids have become the scapegoat for their parents and for a government that has largely failed to fulfill its responsibilities” (p. 86). Meiners (2007) explains, “Scapegoating is the simplistic but highly effective move to identify the wrong perpetrator or enemy and to make this person or persons take the fall for someone else’s mistakes” (p. 66). It is also a highly effective way to maintain an oppressive and racist school environment by putting the blame on the students without requiring any responsibility or accountability of the school leaders, officials, and teaching staff. This alleviates the administrators and teachers from having to improve things. It creates an opportunity for the administrators to believe that they are not at fault for the failings of the school.

In addition to the use of scapegoating, which places the blame on the students, the school leaders used a style of doublespeak that feigned support and enthusiasm toward a program in which they were minimally vested. All of the school administrators said that they were “very supportive” of the program, yet they had minimal participation in the

program. Their general lack of support, disinterest and hypocrisy set the tone for a peer mediation program that is chaotic, disorganized, under-utilized—a sham.

Peer Mediation without Administrative Support

Of all of the stakeholders that affect the outcome of peer mediation in a school, Lindsay (1998) argues that the principal sets the tone for the culture and climate of the school; teachers and students are aware of what methods of discipline and teaching are favored by the principal. At Avanza, I learned that the principal of the school has no involvement in the peer mediation program. Mary, the school principal, depends entirely on the vice-principal to handle conflict at the school and to oversee peer mediation. When I met with her, rather than speak about peer mediation, she chose to talk about her work in improving math and reading achievements in the past year. This shows her priorities and interests at the school, which directly correlate with desire to achieve high-standardized test scores. She even went as far as showing me diagrams and charts illustrating the successes the school was having in these regards. When asked about peer mediation, she was unaware of the details of the program. She told me to talk to “the Josephs,” which is a nickname for the vice-principals. She did briefly praise the program and told me she fully supported it but that was all she knew about it. She admitted that she did not know who the peer mediators were and had not met Kristine, the teacher of peer mediation.

Lindsay (1998) argues that another crucial aspect of the principal’s role is to allocate sufficient staff time. A coordinator with adequate time is needed to supervise the peer mediation program thoroughly, including recruitment and selection of mediators,

training, follow-up, refresher training, and keeping the program visible and the entire school informed. These components of a successful peer mediation program supported by the principal are not occurring at Avanza. The program has not been allocated sufficient staff time. Kristine's schedule is part-time with minimal availability. She does not participate in on-going recruitment efforts or selection of mediators. She provides the students with training without follow-up or refresher training. Finally, the school does little to keep the program visible to the students, teachers, or parents.

In order to have a successful peer mediation program, it must involve many members of a community (Webster, 1993). Successful peer mediation programs require many levels of support. Webster (1993) argues that peer mediation programs often fail because they intrude on academic teaching time, and are not cost effective. Stevahn, Johnson, Johnson, Laginski, and O'Coin (1996) explain that even if the programs are effective there are reasons to believe that they will not be long-term. Peer mediation programs almost exclusively have been "add-on" and "stand-alone" programs that teachers are expected to adopt and teach in addition to their work. Stevahn et al. (1996) argue that the programs work better when they are integrated into regular school curriculum.

At Avanza the peer mediation program is an add-on program but it is not added on to the teacher's workload. At Avanza the teachers do not participate in the program. The faculty does not refer students to peer mediation; they refer conflict to the vice-principals' office. The vice principals decide which cases can go to peer mediation based on its severity; any case that involves violence, drugs, and gang related conflict cannot be sent to peer mediation. Only cases that are considered easily solvable and nonviolent can

be considered for peer mediation. The faculty is supposed to refer students to become peer mediators but this does not happen. Since the class is offered as an elective and Kristine, the teacher of peer mediation, is expected to recruit students to sign-up for the program, there is a minimal amount of interest by the students as evidenced by the lack of students signing up for the class. Kristine, the peer mediation teacher, explained that there would be at least 12 students in the class but on the first day there were zero. By the second day, after Kristine recruited all of the 11th graders, 4 students enrolled. These numbers do not show a strong support by the students or faculty for the program.

Matloff and Smith (1999) argue that the level of faculty involvement in peer mediation is important to its overall effectiveness. The faculty needs to embrace the curriculum and become active participants in and advocates for the ongoing peer mediation program (Matloff & Smith, 1999). According to Matloff et al. (1999), successful peer mediation programs take several years to build with ongoing faculty attention and support. This is not happening at Avanza with their peer mediation program.

Administrative Confusion, Hypocrisy, and Doublespeak

The most common comment I heard from school officials about peer mediation was that they “love the program.” Other comments were also positive such as, “It has been a great program for us,” and “We fully support the peer mediation program.” Yet it is worth noting that in the midst of all of the praise and positive discourse about the peer mediation program, there was constant confusion among school officials about the status of peer mediation at Avanza. I heard questions and statements like, “Do we have trained

peer mediators right now?” or “I don’t know if we have a program right now.” The level of confusion varied with the different school officials I interviewed, but the confusion was universal.

Beth, the social worker, stated, “I didn’t realize that we had trained kids. I am not sure that anybody knows that” (personal communication, April 3, 2011). She explained to me, “To be honest, I didn’t know that there were active peer mediators this year” (personal communication, April 3, 2011). According to Beth, “The school does not use peer mediators” (personal communication, April 3, 2011). This is a significant statement because it illustrates the doublespeak that is occurring on multiple levels. Within a school that is highly supportive of peer mediation, the social worker admits that they do not use it. She believes that the reason they are not using peer mediation is because, “we do not have any trained mediators, at this time” (personal communication, April 3, 2011). This statement is not true. There are certified peer mediators at the school and there are also students being trained at this time. This confusion points to a discourse practice disjuncture, where administrators are saying one thing and behaving in the opposite way.

For Beth, the problem is Kristine’s limited availability. In Beth’s words:

If something flairs up, we can’t find her and she is doing other things. For administrators, Jenny is here so she can handle it. It is convenient. When there is time, we can use peer mediators, but not when it just flairs up. Things blow up in the hallway and we pull them in (personal communication, April 8, 2011).

This is another example of scapegoating and placing blame on someone else for the failure of the peer mediation program. Beth argues that it is because of Kristine’s lack of availability that they prefer to use Jenny, the other social worker, to resolve student conflict. However, Kristine explains that the administration rarely has need for peer mediation.

According to Rozmus (1997) an ideal scenario is to have a full-time conflict resolution specialist on staff who is available for emergency situations. At Avanza Jenny has been given the unofficial title as “conflict resolution specialist.” One problem is that Kristine and Jenny are not working together. Jenny has become the ad hoc solution for the school administrators when a conflict “flairs up.” This solution may be convenient for the school staff but it undermines the peer mediation program. Rozmus (1997) explains that there must be at least one person at all times prepared to handle and coordinate peer mediation otherwise no matter how comprehensive the initial training or how well-honed the communication skills of the peer mediators are, emergency situations could arise that overtax the program.

In the case of Avanza, the program is not necessarily “overtaxed;” the better way to describe it is that the program is not the preferred option for the administrators at Avanza. Although they praise the program, they do not use it regularly. Instead, they opt to use a traditional model of conflict resolution by having the students meet in the administrators’ office and having a school administrator resolve the conflict, which according to Jenny happens daily. Kristine is unaware of the fact that Jenny is mediating conflict. According to one of the vice-principals named Joseph M.:

This is not a knock on Kristine in any way, I want you to know that, but it is a transition period. If you were to compare and you came back in May and June you would be impressed with what is going on with the program...The program has not changed and how we see the kids participate in the program has not changed, the benefits have not changed, but what is happening right now is the transition from what we had in the past to what we have right now. We are seeing a more positive year. We don’t have a lot of students in it but we do that on purpose. We want to be able to have the students and Kristine to get to know each other. I think we have 7, or 8, or 10 in the class right now. We are very, very supportive of that program and it has been a wonderful, wonderful experience for us (personal communication, April 18, 2011).

From this comment, we learn that Joseph M., who is assigned as the administrator over the peer mediation program at the school, knows little about the specifics of the current peer mediation program. He guessed that there might be 7, 8, or 10 students in the class, when there were actually 4 students. It is clear that his estimates were based on his guesses rather than his knowledge of the program. Yet he spoke in a very supportive way about the peer mediation program remarking that it is a “wonderful, wonderful experience for us.” This is typical of the administrators I interviewed. Similarly, the other Vice-Principal Joseph C. stated:

Students are saying it is a great class. We have a solid reputation. We want to use it even more. What we have learned is that the students lack the skills, and tools, and the experience to resolve conflicts. They have two skills: fight or flight. That is all they know. They know nothing in between. They know nothing about sharing, being able to reach an agreement realizing that they don’t have to be the best of friends but they can coexist. They know nothing about that and human relations. I mean we can talk about the war. This is like a war but on a much lower level. So all of those things are very valuable to our population. I think over time we start to see how do you actually practice rather than tell rumors or a message is sent. We have to sift through that (personal communication, April 18, 2011).

In this statement, Joseph C. begins with praise about the program and their reputation for peer mediation but does not provide any specific examples. He does not tell which students are talking about the class or who thinks that they have a “solid reputation.” He never gives a name of a student or a specific example using a student. He talks using generalities about the program and suggests that it should be used more. Unlike the first example in this statement, Joseph C. speaks negatively about the students stating that, “they know nothing about human relations,” “they lack skills, tools, and experiences to resolve conflict,” “they have two skills: fight or flight.” This negativity and stereotyping of the students is typical of the administrators at Avanza. It is part of the doublespeak I

noted in administrators' discourse. It serves the purpose of maintaining a good public image for the school and the peer mediation program, while also allowing administrators to "save face." As long as they are able to blame the students or the teacher, they do not have to accept responsibility for the failures of the program. Overall, the administrators are clueless about the specifics of the program and yet they speak as though they are highly supportive of it. This hypocrisy sets the program up to fail. It also continues to serve the faculty at the expense of the students.

Of all of the administrative interviews I conducted, the past teacher of peer mediation was the most open about her feelings about the program and the students. Her attitude was steeped in negativity, blame, stereotyping and scapegoating.

"The Avanza students they lose interest really really quickly. I mean their attention span lasts a minute maybe, not even that long" (Tina, the past teacher of peer mediation at Avanza, personal communication, June 19, 2010). This is a typical statement from Tina about the students at Avanza. When I interviewed her she was clear about her dislike of the peer mediation program and the students at Avanza, but had a positive viewpoint about peer mediation, in general. According to her, "it is not that peer mediation is the problem; it is the way it is happening at this school with *these* students" (italics added to represent her emphasis, personal communication, June 19, 2010).

From a curriculum standpoint, she explained that it is "just the elementary stuff like Maslow and other basic stuff" (personal communication, June 19, 2010). She also explained that, "they [students] lose it so fast" (personal communication, June 19, 2010). These statements validate the alternative schooling research (Glasset, 2012) that claims that students are offered remedial or substandard curriculum. As the interview continued,

her discourse tone was consistent. She explained that the students struggle with role-plays because “they are embarrassed” (personal communication, June 19, 2010). Also, the students spend a lot of time “goofing-off” (personal communication, June 19, 2010). She explained, “I think that one of the biggest obstacles, at least right now, as far as students is to help them understand the benefits of it” (personal communication, June 9, 2010).

She continued stating:

I think they think it is punitive. And truly, in some regards, it may be because if they don’t come to an agreement they will get suspended. It depends on how egregious the act was. It does go on file. If they fight again they just get suspended. So, it is not ideal. It is the paradigm we are operating in (personal communication, June 19, 2010).

In other words, Tina argued that the way that peer mediation is happening within this school undercuts its own validity and legitimacy. Tina recognized that peer mediation was not being administered in a functional manner. It was being used as a punitive measure, which threatens its ability to be successful.

Tina continued to make this point as she explained that the students do not see the peer mediation program as an opportunity but rather as some sort of anger management program that they have been sent to endure (personal communication, June 19, 2010). These insights are useful in understanding how this program is cannibalizing itself by undermining its own validity because of the fact that it is not being administered in the way it is intended.

However, Tina makes a major misstep as she then places the blame on the students, stating that these students are usually apathetic and indifferent (personal communication, June 19, 2010). They say things like, “It is someone else’s problem, not

my problem. It is stupid” (personal communication, June 19, 2010). One of the problems, according to Tina is attendance. She explains:

What I said about apathy has to do with their attendance and being fully present in class. Attendance is a huge problem and punctuality is a huge problem and commitment. So I’ve had students, I say, ‘You know were going to do a mediation today who wants to do it?’ And we’ll get volunteers. ‘Oh yeah pick me, pick me.’ So, you know. I choose some students and they just won’t even be there. At first I used to just...you know, my skin used to just curl up and shrivel. And be like, ‘How could you not?’ And now I’m like, ‘Okay. You’ve got to have a back up plan and you’ve just got to be ready to change.’ And I don’t know if its teenagers or if its just that school. I don’t think its just the peer mediation program. I mean I just think that’s typical of these students (personal communication, June 19, 2010).

Tina’s discourse about the students contributes to the structure of oppression as illustrated by her use of the phrase, “I just think that’s typical of *these* students” (italics added to represent her emphasis). The discursive framing of students in this way sets them up to fail; it miniaturizes their identities, and discounts their individual experiences.

Tina’s discourse contributes to the war on youth, particularly youth of color.

As Tina and I were walking out of our interview, she stated, “You can have my job. I hate it.” She soon left Avanza. Kristine was hired shortly thereafter. I was hopeful that things would improve for the students and the peer mediation program.

Unfortunately, Kristine was an under-qualified university student, with no teaching certificate, previous training, or experience. The fact that the school chose to hire someone with a paucity of qualification, speaks to its lack of commitment to the peer mediation program and the students involved. Indeed, she continued the legacy of remedial mistreatment that the students had previously received.

Everyone thinks I suck at my job. My first advisory class went really, really bad. Cause I started off with 7th graders. Cause no one told me that 7th and 8th graders are little devils. So I started with them and 3 days into it the teacher told me not to

come back (Kristine, the new peer mediation teacher, personal communication, April 4, 2011).

Kristine admits that she does not do her job well and her first classes were disasters. Yet she continues to teach peer mediation without any training or feedback from the administration. She is virtually left alone to manage peer mediation for the school. Beth explains that they have had “quite a range of teachers for peer mediation. It is a problem when they don’t have classroom management training” (personal communication, April 8, 2011).

Jenny, the social worker and ad hoc conflict resolution advisor, believes that Kristine is not qualified. She has many examples including a time when she observed Kristine teaching. She recounts:

I remember one time she was describing different conflict resolution styles like: aggressive and passive aggressive and so the girls were asking questions but her answers weren’t right. So I had to step in and correct her (personal communication, April 8, 2011).

Jenny thinks that Kristine is the reason that the peer mediators are not being used at the school. She states, “the peer mediation class isn’t being taught very well” (personal communication, April 8, 2011). Even so, the administration is doing nothing to remedy the situation. There are many reasons for this: (1) the administration is over-worked, lacking in availability and resources to facilitate change, (2) the administration thinks she will improve on her own with time and experience, (3) the administration does not care. Based on my observations and interviews, each of these options is true. First, the administration is over-taxed and burdened with their individual responsibilities and their own workloads. Second, in the past, the teachers have improved as they learn more about the students and the program. Third, their actions demonstrate a general disinterest in

Kristine and the students within the program. As previously mentioned, the principal of the school had not taken the time to meet Kristine during the course of a full school year. In addition, the other school administrators had not visited the classroom, met the students, or observed Kristine's teaching of peer mediation. All of these indicators point to a lack of concern for peer mediation and Kristine's competence as a teacher within their school.

These are all contributing factors of the failure of the peer mediation program. Researchers argue that in order for a peer mediation program to be successful in a school, students and the entire school community must understand and respect the peer mediation program (Lindsay, 1998; Rozmus, 1997; and Theberge & Karan, 2004). This means that peer mediation has to be a community enterprise. One under-qualified part-time "teacher" with limited availability cannot sustain and build an entire program. This is not to say that there was no support for Kristine and her efforts in building the peer mediation program at Avanza, but the support was so minimal and the faculty involvement was so inconsequential that the program was virtually nonexistent. "Peer mediation must be given more critical attention and receive more input from a broader range of stakeholders" (Rozmus, 1997).

Mark, a teacher of applied technology, explained that in his opinion the peer mediation program is destined for decline because the school is changing. In his words:

I have been working at Avanza for 4 years and everything has gotten progressively worse. The Applied Tech College is in the process of pulling out. It is just not working out, I am afraid. We teach the students good skills like medical assisting, business communication, and computers but we are still pulling out. The college is pulling us out. The problem is that we are not getting the kids into the program that we need. The students here, there is a lot of apathy. I like it here but there are a lot of issues. The kids always want make-up work but I don't give it to them. I had a student who missed a lot of school and then he came back looking

really sick. He told me that he had food poisoning but then a girl told me that he got shot last week. So I let him have it and said, 'You tell me that you have got food poisoning. Son, you have got to change the way you are living or you are going to be dead.' And they just look at you (personal communication, April 11, 2011).

He adds that, "Things are changing. You don't see the support from the faculty like you used to" (personal communication, April 11, 2011). Mark argued that the overall support from school faculty was declining. Kristine also explained to me that she thinks that things are declining at Avanza and that the support is lacking from the administrators (personal communication, April 11, 2011). She remarks:

I don't think anyone has had this job for more than three years. I am worried that the program isn't succeeding as well as it could. I have to do something with it 'cause it is my program. I need to get going 'cause clearly no one else will (personal communication, April 11, 2011).

In a follow-up interview 3 months later, I learned that Kristine's decision to build the program was short-lived as she was in the process of finding her replacement. She explained that she did not want to continue doing this. She was changing her major and finding a new job. Rather than work in mediation and go to law school, she wanted to become an academic advisor.

Kristine's decision to leave Avanza sends the school into another transitional period for peer mediation as they hire a new teacher and coordinator of the program. This has been the historical trend at Avanza with high turnover and transition with the teachers. This coupled with the fact that the school has a transitional student body that is being transferred or is graduating at various times throughout the year, which creates a challenge for stability and predictability in the peer mediation program.

To summarize, the school officials spoke in supportive ways about the concept of peer mediation but their actions were minimally supportive. They shared examples from

the past to talk about the program because their current knowledge about and involvement in the current program was limited. As a result of the peer mediation coordinator's part-time availability and the school officials' lack of confidence in her ability, the majority of school conflicts were being managed by the school's full time social worker. Thus, the reality of the peer mediation program at Avanza is an abundance of supportive attitudes by school leaders and teachers about peer mediation as a theoretical construct, while minimal attention, action, and priority are given to executing the program on a daily basis. In order to understand this phenomenon more deeply, the point of analysis needs to be extended from the perfunctory concerns of time allocation and available resources, to the structural components at play, including the sharing of authority and exercise of power by the school officials.

CHAPTER 5

STUDENTS' DISCOURSE ABOUT PEER MEDIATION

“What the fuck is this?”—Current student of Peer Mediation at Avanza

The students at Avanza had many different experiences participating in the peer mediation program. Some of the students found the training program to be useful and applicable to their lives. Their responses about peer mediation were more instrumental as opposed to transformative to their lives. They stated that they enjoyed working with other students. They also liked that they could solve conflict without involving parents or meeting with administrators. They noted that peer mediation was a good opportunity because it looked good on a resume'. Finally, they enjoyed participating in peer mediation because it is “fun.”

On the other hand, the students voiced concerns about using the program. They commented about the program being too structured, restrictive and strict. They worried about being impartial while conducting mediations. There were general concerns about feeling unprepared to be a mediator. There were comments about feeling anxiety about doing mediations. Finally, the students explained that although they believed that the program had some benefits, overall they argued that they would generally not choose to use it to resolve their conflicts.

The style of mediation taught at Avanza uses a problem-solving approach, where the students are given specific guidelines that are meant to help the students in conflict come up with an agreement. These agreements are reviewed and approved by the peer mediation advisor and the vice-principals' office. At Avanza the students are not taught about transformation and empowerment, peer mediation is taught as a problem-solving process to find workable agreements.

In actuality, peer mediation is used sparingly as an alternative option to suspension. In other words, it is not the preliminary step that potentially leads to suspension; rather, it is an option that may be used when the vice-principals deem it to be appropriate. When peer mediation is used, one of the vice-principals reviews the agreement and decides if it is okay. If the agreement is not okay, the students are asked to revise it. If the agreement is okay with the vice-principals, then the matter is considered resolved. If another incident occurs, the students are not sent back to mediation; they are given a different form of punishment, which is either being transferred or expelled from the school.

What is useful to consider is the amount of oversight that the students face while they mediate agreements. This oversight includes (1) the presence of an adult with a position of authority at the school monitoring the entire mediation; (2) the student mediators are seniors at the school, which can create an age and ranking difference between students; and (3) the students are told that their agreement will be reviewed by a vice-principal at the school and that it must be considered satisfactory.

Cloke (2013) argues that mediation can resolve over 90% of conflicts when agreements are reached voluntarily. It can help participants let go of their conflicts,

reconcile, work better as a team, and go on with their lives. This can stimulate growth, create opportunities for learning, foster respect and trust, and improve relationships that can lead to positive change.

Cloke argues that a key part of making mediation work is the act of empowering participants to create their own solutions. The participants collaborate to identify the concrete problems that need resolution. They trust the process enough to surface and resolve emotional issues that interfere with the agreement. The mediators guide the discussion so that they do not become more polarized. They find common interests and reduce bitterness, hostility, anger and resistance. They develop visions, values, goals and options for mutual gain. Finally, they work hard to preserve personal dignity and respect so that agreements last. In other words, according to Cloke you need to follow each of these steps to create agreements 90% of the time.

At Avanza the students are encouraged to create their own agreements but the process is stifled by the rules and regulations of the school administration. This contradicts the foundational aspects of peer mediation that are meant to be creative, generative, flexible and empowering. This flexibility can lead to times during mediation where participants are unable to find a workable solution; this is considered part of the process.

At Avanza the students have to come up with a solution by the time their mediation is finished. The students have to turn in something, even if it reads, “we will avoid each other,” which Kristine explains happens sometimes. This example illustrates the lack of collaboration and creativity within the mediation process at Avanza. The students are not working together to develop visions, values, goals and options for mutual

gain. Neither are they focusing on preserving personal dignity and respect so that agreements last. By agreeing to “avoid each other,” the students are fulfilling the requirement of the assignment but they are not fulfilling the essence of what makes mediation work.

Additionally, these students do not volunteer to go to mediation, they are required to go. This mandatory assignment to mediation contradicts the expectation of mediation that it is voluntary. The premise that mediation is voluntary is a critical aspect of the success of the mediation process. Thus, the school’s violation of this premise undermines the peer mediation process.

At Avanza the school administrators are using peer mediation as a means to meet their desired goals (i.e., as a disciplinary measure) rather than using it to empower and foster growth for their students. Peer mediation is not meant to be a form of punishment. It is meant to be a generative process that encourages learning and growth for those involved.

Transformative mediation was introduced in the 1970s but became popularized by Bush and Folger (1994). The goal of transformative mediation is to seek empowerment and mutual recognition of the conflict parties involved. Empowerment means enabling the parties to define their own issues and to seek solutions on their own. Recognition means that the parties seek to understand the other person’s point of view of how they define the problem and how they try to seek a solution. Often, empowerment and recognition pave the way for agreement but that is only a secondary effect. The primary goal is to foster the parties’ empowerment and recognition allowing them to approach their problem, as well as later problems, with stronger, yet more open views.

The transformative approach contrasts with a problem-solving approach where the goal is generating a mutually acceptable settlement of the immediate conflict. Bush and Folger argue that problem-solving mediators are often highly directive in their attempts to reach this goal. They control not only the process but also the substance of the discussion, focusing on areas of consensus and resolvable issues while avoiding areas of disagreement where consensus is less likely. Although all decisions are, in theory, left in the hands of the participants, problem-solving mediators often play a large role in crafting settlements and obtaining the agreements. The transformative approach, according to Bush and Folger, avoids the problem of mediator directiveness by putting the responsibility for all outcomes on the participants.

Peer mediation is a fundamentally different approach to the distribution of power, disciplinary decision-making, and the relationships between the students and school officials (Theberge & Karan, 2004). Peer mediation programs need to be housed within an educational context that can support these needs. It also has to have an abundance of support from those in the school community. Most importantly, the students need to be heard and empowered. They must socially validate the program and believe that they are active agents of positive change within their own school and community. Without the student and faculty support and “buy-in” the potential success of the program is unlikely, without a supportive context, the program will fail.

From a critical standpoint, the students were not given the tools they needed to achieve the growth and transformation that peer mediation offers. They were not given the opportunity to share in authority, speak openly, or have enough autonomy to make

decisions during the peer mediation process. Giving the students limited power, if any at all, undermines the premise of peer mediation and renders it virtually useless.

To understand the experience of peer mediation within this alternative school, the discourse of the students is the central focus of this research. I note a range of student attitudes about peer mediation and the advisory program. The students identified three major areas of benefits of peer mediation: (1) they were allowed to work directly with other students, (2) they thought it would benefit their future lives, (3) they thought it was fun. The most commonly cited benefit to peer mediation according to the students was that the students got to work with other students directly. Mediation students thought that it was “cool” that the students could work with peers and just “talk it out.”

This shows a desire by the students to eliminate or reduce the need for an intervention by an authoritative third-party. The students appreciate the opportunity provided by peer mediation to work out their conflict with each other. This gives the students a chance to talk to each other, generate options, and work out a solution. This is the ideal format for conflict resolution. It gives the students the necessary skills they will need to work out conflicts productively in the future. In most cases, this does not happen at Avanza. As it stands, the students are sent to the vice-principals’ office. The vice-principals make a decision and the students are transferred, suspended, or expelled. This protocol does not provide students with conflict resolution skills to use in the future. Along these same lines, peer mediation students believed that it was better to not have to involve parents and administration. Peer mediation provided an opportunity to keep the conflict between the students. They could also hear both sides of the story and work together to make it better rather than being suspended or sent to an off-site school.

Second, the students agreed that the peer mediation training was beneficial to their future lives. Tia wrote in a journal entry, “Peer mediation helps me see better ways of solving problems, besides fighting and arguing (Journal Entry, April 8, 2011). Alicia and Roberto talked about how it would look good on their resumes. Bella explained that it would also be helpful for her family to know how to deal with conflict better. This refutes Vivian’s (the school counselor) claim that “these” students do not care about resumes or career building. The students in peer mediation did care about their futures. They were aware of the need to build an impressive resume. They did speak about future opportunities such as college and future employment. By continuing to use deficit discourse to describe the students, the school officials buy into the need to keep the students monitored closely and disciplined harshly because the students are seen as potentially threatening. By debunking this discourse and listening to the students talk about hope for the future and desire to succeed, the school structure’s oppressive nature becomes more visible as inequitable and destructive to the students’ future.

In this particular case, the majority of the students’ frustrations about the peer mediation program were about the teacher and about her teaching style rather than the peer mediation program in general. The students wanted less lecturing, more “games,” more practice doing peer mediation, and more fun and food in the classroom. Kristine waited until the end of class to start doing role-plays. The students would have benefited from more time doing peer mediation and less time listening to lectures.

Besides their complaints about the classroom and Kristine’s teaching style, the students mentioned four disadvantages of peer mediation. First, they argued that the structure of peer mediation was too strict. They wanted a more fluid process where they

could just talk. In other words, they wanted even more empowerment. They wanted to have the freedom to resolve their conflicts without the structural pressures that were present during the peer mediation.

For Roberto peer mediation works better when he is in control of the situation without the teacher present. He explains:

When the person who is supposed to be with us actually left the group and that is where we actually got to talking. Instead of talking to them like a mediation, you would talk to them like you were their friend cause that really got to them and they told us actually everything that happened. And then when they just came in then we just made them sign the paper (personal communication March 22, 2011).

This discourse has multiple levels of hierarchy and power embedded within it. From a structural perspective according to Roberto, the students were not willing to talk openly while the school representative was present. As a representative of the larger structure, her presence stifled the peer mediation process. Also, the structure of peer mediation was regulating how they spoke, as illustrated by the statement, “talking to them like a mediation.” This comment needs to be contextualized. This version of peer mediation is embedded within a highly oppressive environment. They are being monitored and threatened with additional discipline if they do not follow the rules of peer mediation precisely. It is another version of oppression in its current form.

Based on this, it might be easy to assume that Roberto was not an advocate for peer mediation, however, he has enrolled in his second term of peer mediation training. According to him, he just really likes the class but he does not like mediating. Whenever he is called to do mediation, he declines. He explains that right now he just wants to focus on finishing his classes and graduating. He also does not want to get into any conflict right now (personal communication March 22, 2011). For him, being involved in

peer mediation drags him into the drama at the school and right now he gets along with the other students fine. So he prefers not doing the mediations. He explains:

The students usually come here for a reason but I am used to that. I was raised mostly on the street. There are gangs and I used to hang out with them so I know what to say and what not to say and how to look at people. Everyone is really just the same with different mentalities. There is not a lot of conflict here. They usually stay to themselves. But they do like to start drama and spread rumors a lot (personal communication March 22, 2011).

Second, the students worried about being impartial. Alicia, Tia and Bella, explained for this reason, they would also not make good mediators. Bella stated:

I guess I judge a lot. If I think a person is wrong or I think they are lying or whatever. I am thinking I am going to get mad or something. I have a really short temper. So if I hear something that is wrong, I will probably get mad and probably try and defend the other person. So I don't know if it is going to work out (personal communication, April 11, 2011).

All of the students in peer mediation talked to me about concerns over impartiality as a mediator. This issue came up many times in class. In fact, Kristine spent a full day talking to the students about neutrality. The students, like Bella, were not fully convinced it was possible to be neutral. Over the course of the term, the students stated that this concern was not resolved. They worried about taking sides, about confidentiality, and about following the rules of mediation in general.

Third, the students did not feel adequately prepared to mediate. This led to a high level of anxiety about being in a real mediation with the students. This was primarily because they stated that they felt like they were not adequately prepared to mediate. This was a result of the fact that they were not given enough time to practice, develop skills, get feedback, or given an example of peer mediation. Much of the class time was spent on class discussion of concepts such as listening skills and asking questions. Although

these are useful concepts, the students needed time doing experiential development to learn the skills necessary to be successful peer mediators.

Finally, they did not believe that they would use the program as a conflict disputant because of what the other students would think. I asked Roberto if he would take another student to peer mediation. He explains to me, “It wouldn’t be awkward. But since you already know them you would probably make a joke out of it” (personal communication March 22, 2011). It is unclear, based on this, if Roberto is saying that he would always make a joke out of it, if it were not his friend. However, we can learn from this statement that Roberto would use the opportunity to have fun with his friend. This is an insightful piece of discourse because it shows how Roberto would take the opportunity and make it his own.

For Bella avoidance is a better solution to conflict at the school than is peer mediation. She admits that the class is helpful in teaching students important skills for their lives but when it comes to conflict at school she states that she could not use peer mediation:

Cause they wouldn’t take you serious. I don’t think they would. I think they would be like what the fuck is this? It would be weird and awkward. It would be too much. I would never do it. I would rather avoid them. I tend to ignore them cause they are dumb and it is a waste of time. They are stupid (personal communication, April 11, 2011).

Bella has told me about many conflicts she has encountered with other girls in the school. She explained that many of the girls in the school are really mean. She even told me that she does not think that you (people) need friends in life, only family. Her mom is her best friend. Bella does not have friends at Avanza; she would rather avoid the other students than confront them. She therefore has no interest in peer mediation.

Tia has a similar viewpoint about the way the other students would respond to peer mediation, “They think they are too good for mediation like, ‘I can solve this on my own. I will solve it fighting.’ They think it is stupid. I don’t think they would use it. I probably wouldn’t.” (Tia, Personal Communication, April 11, 2011). Robinson, et al. (2000) explain that despite a mediator’s positive regard for peer mediation, as demonstrated by the discourse of Tia and Bella, peer pressure may play a significant role in how students choose to resolve conflicts.

During our interviews Tia was confident that she would not use peer mediation. However, near the end of the term of peer mediation training, she changed her mind. According to Tia, “Peer mediation would have been way better.” Tia was suspended from school; she “almost hit” another female student during P.E. She explained:

It was because of basketball. You know how basketball is aggressive. So I was going up for a layup and when I came back down I elbowed her and she got mad and was like, ‘Stop hitting me, Bitch.’ And I was like, ‘Oh hell no. I didn’t say anything.’ But then we got to the other end of the court and she kept talking and I got sick of it. And I almost hit her and I called her out cause I got sick of her. And she just sat there like she was frozen. And then so I guess she told the Principal and I had to talk to the VPs and I got suspended for a day and then I came back yesterday (personal communication, April 20, 2011).

In her opinion, the vice-principals could have handled the conflict “way better” (personal communication, April 20, 2011). She complained that the vice-principals did not ever ask her for her opinion. They only talked to the other girl. This girl told the vice principals that Tia threatened her, which according to Tia was untrue (personal communication, April 20, 2011). I asked her about peer mediation. In her usual style she shrugged her shoulders and said, “Yeah. Yeah. But I don’t really care. It is over with” (personal communication, April 20, 2011). Tia says that peer mediation would have been “way

better” but she does not want to do it now. She wants to talk about something else (personal communication, April 20, 2011).

This event points to many structural contradictions in the way this conflict was handled. First, the administration never talked to Tia about peer mediation. They chose the traditional disciplinary method of suspension. Tia felt like her voice was not heard and it was unfair. Second, during the fight Tia admits to almost hitting the other girl and “calling her out.” Tia did not utilize the nonaggressive tools from her training nor she did ask for peer mediation.

There is a discursive pattern among the peer mediation students of socially validating peer mediation as useful and beneficial on the one hand, while on the other hand, the students demonstrate modes of resistance, avoidance patterns, and peer pressure to not use peer mediation. Their positive discourse may be a result of the pressures students feel to conform or “behave” according to the codes of conduct enforced at the school. By outwardly opposing or disregarding the program, the students may fear or face retribution. This may be one of the contributing factors to the noted discourse and practice disjuncture—the students say they like it but do not want to use it. They may also be sensing the reality of this particular program, which is not built on a solid foundation of administrative support. They may also see the remedial approach of the under-qualified and patronizing teacher. The students are responding to these factors and “see-through” the pretenses, thereby recognizing the program for what it is—a sham.

The Illusion of Sharing Authority, Autonomy and the Exercise
of Power

“Education must be more generative. Both scholars and classroom teachers must look for opportunities, new ways of thinking and learning about human diversity and social justice” (Ladson-Billings, 1994). Peer mediation programs have the ability to foster new educational opportunities that are more generative because of their emphasis on empowerment of students. They are also dedicated to an egalitarian process with equal turn-taking and equality of voice with the expectation of diminishing power imbalances between students and creating an opportunity for growth and conflict resolution. These programs can be considered a “new way of thinking” where students are given nontraditional responsibilities outside the classroom. Bickmore (2001) considers peer mediation programs as unique forms of service-learning for students, where the community served by the program is primarily the school itself. The “need” addressed by the program is the building of peaceful communities and relationships among students, enhancing students’ skills in managing their own conflicts, and ameliorating problems of disruptive interpersonal conflict and violence (Bickmore, 2001). In actuality, peer mediation goes well beyond skill development for students if it involves the delegation of authority for active problem-solving responsibilities (Bickmore 2001). The mediators, and the peers they assist, are more likely to internalize values such as nonviolence and a sense of themselves as citizens who are capable and responsible, when they find themselves practicing those values autonomously (Bickmore, 2001).

The sharing of authority with the students is a key component of creating generative space for student growth. The students with more autonomy to be decision-

makers, problem-solvers, and leaders of the process of peer mediation have greater opportunity. Bickmore (2001) argues that in order to foster students' development of autonomy students must be allowed to share some power with adults in the school. Furthermore, peer mediation is a way for students to share authority in solving real problems in their schools, and in challenges that also arise outside the school. There is a heavy weight of tradition and habit in schools, which is exacerbated by strengthened demands of academic achievement testing. These expectations can hinder a school's ability to create generative learning spaces for students.

At Avanza the school commitment to peer mediation does not allow for students to work autonomously. Kristine explained to me after a group interview with past peer mediators at Avanza, that even though the students want to be alone during the mediations it is better if they are not (personal communication, April 18, 2011). This is reinforced by the school's policy stating that students are not allowed to peer mediate without an adult supervisor in the room. The notion of student autonomy as presented by Bickmore (2001) and Matloff, Smith (1999) as a way of strengthening the process of peer mediation and of giving the peer mediators a greater chance to grow, is not occurring for the students at Avanza. Any sense of autonomy that the students are given to mediate conflict is highly supervised and corrected if it "goes off course." Like a case study presented by Matloff and Smith (1999) of a middle school using peer mediation, many faculty at Avanza were unable to see how placing students in charge of resolving conflict would be effective without adult involvement.

When I asked Mary, the school principal about autonomy for the students and the program as a whole, she explained, "That will never happen. All of the student conflict

has to be dealt with by the vice-principal's office (personal communication, April 20, 2011).” This echoes the feeling of the school climate where constant and extreme surveillance of students is common. The presence of video-surveillance in the school, the police officer by the front door, and the school's closed campus policy, which also includes the rule that students must not leave the floor to which they are assigned, creates an atmosphere of high security, supervision, and regulation by school officials.

Monahan (2009) explains that independent evaluations of video surveillance systems have found them to be entirely ineffectual at preventing violent crimes, yet these systems continue to be funded at a record rate. He adds that surveillance systems at schools have profound results at schools in integrating law enforcement functions into the everyday practices of individuals at schools and the subsequent rise of a culture of control that supplants other social or educational missions of public education. Additionally he asserts that surveillance systems in schools engender identity constructions as either victim or criminals. Both views share a view of students as passive; as individuals whose identities are prescribed.

I encountered this prescriptive discourse at Avanza as I heard Jenny the social worker describe the students by stating:

I think that Avanza is unique enough that it needs a lot of special programs. It really is just a different place. You are dealing with a different demographic in regards to the student population. In every school you have pockets of gang related activity and drug abuse and tagging and that type of stuff but it is like this is one big pocket. Ya know? Like all of the little pockets feed into the big pocket. So we have a really concentrated amount of issues. So whenever you have a larger number of issues you are going to see more conflict. In the little pockets you have two or three conflicts but when you have a huge pocket it is 3 times 10 conflicts happening here. So I think a lot of it has to do with the population, which we work with and the concentration of issues and concerns. Yeah. That is my guess. I think it is socioeconomics and we have more minorities that are sent here and I think we have minorities who live in poverty than we do of the majority.

Part of that is undocumented. Residents who aren't able to find work and are going under the table in order to get things because they can't apply for food stamps or Medicaid. So we have a lot more minorities that are living in poverty and there are study after study after study that links poverty with crime, drug abuse, and all of the stuff like teen pregnancy which are all issues which we deal with here. So I think that kids get sent here for truancy, falling behind in their credits, behavior... At other schools talking to my friends who work at other schools...I mean we rarely have fights here and considering our population I think that is pretty outstanding (personal communication, April 8, 2011).

Jenny echoes the dominant discourse of school officials and teachers at Avanza with a deficit-style description of the students. This works to reinforce the negative stereotypes of the students. It portrays them as threatening criminals and gangsters who are potentially dangerous. She uses words like "poverty," "minorities," and "undocumented," to illustrate her point. Her discourse has undertones of suspicion that acts to justify the need for the high level of security and surveillance.

Unlike Jenny's criminal perspective of the students, Joseph C. explains that he views the students from more of a victim standpoint stating:

For me it always has been and continues to be, to answer your question, even with the gang stuff and the drug stuff a lot of it has to do with self-image and self-worth. It has a lot to do with messages being sent, texts being sent and bullying. I think it is universal. If you look at the number of incidents of bullying across the nation and across the world and you look at things like, I heard an interview yesterday coming into work that said that 70-80% of young adults interviewed saw nothing wrong with them making racist and disparaging remarks about other people and the reason they think it is okay is that they are just kidding. I don't see much difference here at this school. I mean the reasons might be different but the outcome is the same. We are talking about across the board. This study wasn't an alternative school with 80% minority. This is across our nation 70-80% of students are texting somebody and it is interesting the comments were disparaging were racism and obesity, body image. That really is the root of it: Am I better than you? Yeah. These kids hear things like, 'Hey you're fat.' Or they say the N-word because they think it is funny. Ya know. Is it an identity issue or is something beyond that for that person? With our kids, they just don't have the skills. They haven't been exposed to that. I mean working with different ways and means to resolve those issues (personal communication, April 18, 2011).

Thompson (1991) reminds us that, “Every linguistic interaction, no matter how personal and insignificant it may seem, bears the traces of the social structure that it both expresses and helps reproduce” (p. 2). When listening to the discourse of those in positions of power at Avanza, including the school counselor, the vice-principals, the social workers, and the teachers, their discourse choices work to reproduce and reinforce power relations at the school. They describe the students in deprecating ways as either criminals or victims who are “at-risk” of failing. These discourses are not empowering and they are contradictory to the goals of peer mediation. In addition, the detention-like atmosphere of the school creates little opportunity for students at the school. Although, the benefits of peer mediation are overwhelmingly reaffirmed throughout research studies, these benefits cannot materialize within a structure that does not discursively or structurally support its students.

What we are left with at Avanza is the teaching of peer mediation skills to a small group of students with little to no impact. Even without letting the students mediate, there may be value in teaching students mediation skills. However, the peer mediation program is meant to be much broader in scope, shifting the disciplinary expectations of the school from traditional and punitive to engendering growth and learning for all involved.

CHAPTER 6

ALTERNATIVE SCHOOLING AND PEER MEDIATION: WHITE ELITISM, SURVEILLANCE, AND RACISM

“Elites” denotes a group in society that has special power resources. Elite power can be defined in terms of the type or amount of control elites have over the actions and minds of other people. “Power elites have special symbolic resources such as preferential access to systems of sociocultural discourse” (van Dijk, 1993, p.44). “Elites’ decisions and actions not only affect minority groups and their members directly, but often also require legitimation by the white population at large and hence, discursive strategies in forming consent” (van Dijk, 1993, p. 45). Elites have a crucial role in both the production and reproduction of racism. Racism can be through society only when it is at least partly endorsed by the elites (van Dijk, 1993, p. 291).

Bell (1980) argues that racial progress on civil rights only comes for African Americans when Whites make even more substantive gains to retain their legal, social, and material superiority in U.S. society. He defines the interest-convergence principle, as persons of color in U.S. society only receiving political, economic, or other major gains when these gains can be shown to somehow serve the interests of White Americans.

The purpose of Avanza is to serve White elites who have an invested interest in segregating “at-risk” students (a.k.a. students of color, students with low socioeconomic

status, pregnant teens, and teen parents) from White youth of privilege. The principle of interest-convergence materializes as students of color and their parents are told of the many advantages of attending Avanza, which they call a “learning center” as opposed to an alternative high school. These “advantages” include an advising program where students work with a mentor teacher to help them “succeed” at the school, a partnership with the local community college with vocational and technology training programs, “credit” packets, which are designed to help the students make up classes so they can graduate, and the “premiere in-house peer mediation program,” which has been featured in the local newspaper. The article states, “teens learn to calmly discuss their own disagreements and help others do the same” (Dicou, 2010, p. 1). According to the report the student mediators receive a couple of referrals each month. “But last week alone, they conducted three mediations” (Dicou, 2010, p. 1). The purpose of these programs, along with the discursive framing of them as advantageous for the students, works to create a positive image for the school.

In reality, however, these programs do little to offset the true nature of the school, which benefits the White elite and marginalizes the students of color. I will discuss three major research findings that contribute to the continued marginalization of the students at Avanza including: (1) the reality of the peer mediation program which does little to benefit the students and more to benefit those in positions of privilege, (2) the reality of the school structure which is more of a juvenile detention center than a learning center, and (3) the racism and inequity of the school, that works to marginalize the students of color from the White students of privilege.

The First Problem: This Is NOT Peer Mediation; It Is a Public
Relations Program

The American Bar Association Standards of Mediation, Standard I states:

A mediator shall conduct a mediation based on the principle of party self-determination. Self-determination is the act of coming to a voluntary, uncoerced decision in which each party makes free and informed choices as to process and outcome. Parties may exercise self-determination at any stage of a mediation, including mediator selection, process design, participation in or withdrawal from the process, and outcomes. A mediator shall not undermine party self-determination for reasons such as higher settlement rates, egos, increased fees, or outside pressures from court personnel, program administrators, provider organizations, the media or others (retrieved on June 16, 2013 from http://www.americanbar.org/content/dam/aba/migrated/2011_build/dispute_resolution/model_standards_conduct_april2007.authcheckdam.pdf).

The peer mediation program at Avanza is in direct violation of this standard. The students are not granted self-determination in the process of peer mediation. The student disputants are referred by the vice-principals' office to go to peer mediation. They do not volunteer to go to peer mediation. Kristine, the teacher of peer mediation, coordinates with the vice-principals' office and sets up the peer mediations. At peer mediation, the students are not allowed to have parents or friends join them. They are not given a choice of who is going to mediate their conflict. There is also pressure put on the students by the teacher to sign the agreement, which is reviewed by the vice-principal. Finally, each peer mediation session is monitored by a school leader to make sure the students are following the rules and proper protocols of mediation.

These rules include: (1) starting with an introduction and "opening statement;" (2) instructions to "congratulate" the students for choosing mediation, (3) an explanation of the benefits of mediation including: developing options and reaching an agreement that solves the problem; (4) instructions to give a general overview of what mediation is and

the goal of the session; (5) a reminder to the students that the process is voluntary and that at any time they can leave; (6) a description of the steps of mediation: (a) each student gets a chance to tell their story, (b) mediators will ask questions to clarify issues, (c) a discussion will take place among everyone, (d) participants will come up with a solution that works for everyone, (e) mediators will write an agreement on paper, and (f) both parties will sign the agreement. All of these instructions are written on a paper that they are supposed to follow closely during the peer mediation.

Next, the peer mediators describe to the student disputants the “ground rules” of mediation. These rules are to: (1) tell the truth, (2) no physical contact, (3) commit to solving the problem, (4) confidentiality, (5) no interrupting, (6) no name calling or put downs, and (7) agree to try to solve the problem. After the peer mediators explain the ground rules of mediation they ask the student disputants if they have any questions about the process. Then they are asked to sign a form called “Agreement to Mediate.” They begin the mediation process once each person involved in the mediation signs the form.

I observed and participated with the peer mediation students in class as they learned this protocol for doing peer mediation. The students spent a full day reviewing the ground rules for mediation and doing classroom exercises including a game called “ground rules charades.” They spent an additional day breaking into groups, trading off the different positions of mediator, disputants, and so forth, practicing all of the different concepts. At first the students showed some interest in doing the classroom activity but after practicing each part one time the students began to get restless. They argued that they “got it.” Still, Kristine wanted the students to work on these concepts repeatedly

because according to her, “They are key to the mediation process.” The students conceded and kept reviewing the process multiple times with less enthusiasm.

During the same day, after much classroom review, the students participated in a written exercise where they had to describe why they believed each of the ground rules was important to the peer mediation process. The students’ responses showed that the students understood the key concepts. Roberto wrote that the rules are needed to “keep everyone calm if someone fights then the other person will fight and won’t be willing to talk again” (Student work, April 22, 2011). Bella wrote on her assignment that, “The point is to find a solution so it won’t make it worse. So that there will be peace between them. Put downs and name calling might hurt self-esteem and cause more conflict” (Student work, April 22, 2011). Alicia wrote that ground rules are important because “fighting is not the solution. So the conflict can be solved and not grow. So the students don’t lie and that the conflict is solved” (Student work, April 22, 2011). Tia explained in her assignment:

The point is for them to have a solution not beating each other up. Solving the problem will help prevent future conflicts. So then the rumors or conflict doesn’t start up. It is rude to interrupt everyone. Everyone has their side of the story to tell. Name-calling and put-downs can start another conflict. So they need to agree to solve the problem so that the conflict doesn’t happen again” (Student work, April 22, 2011).

Despite this student training, during this time at Avanza there were no peer mediations happening. There were some requests from the vice principal’s office for peer mediation but each time things would fall through. Either the student mediators were busy or they were unwilling to do the peer mediations. When I first came to the school, I met with the students who were trained by the previous teacher Tina. All of the trained peer mediators were seniors at Avanza. Since it was midyear, they were talking to me

mostly about graduation. The students had mediated in the past but since Kristine had come to the school, they had not been mediating.

Kristine explained that she had a hard time convincing the trained peer mediators to come back to the school to mediate; many had multiple outside commitments and no cars. Also, some of the students had been transferred to another Avanza site or suspended or expelled. As a result, the “peer” mediations were currently being done by the new school social worker. As the year progressed, Kristine’s discourse about peer mediations ranged from, “They want me to do a peer mediation but I can’t” to “there must not be any conflict right now because I haven’t been getting any calls for peer mediation” (personal communication, April 13, 2011). In reality, what was happening is that the school had transitioned from using peer mediation to an alternative arrangement. This arrangement usually involved the new social worker. She would meet with the students in her office and “mediate” their conflict.

Lack of Peers in “Peer” Mediation

When I asked the new social worker if there were any conflicts that needed to be mediated by the peer mediators she stated, “The idea of having no conflict right now is preposterous” (personal communication, April 4, 2011). Jenny, the social worker, explained that she was mediating student conflicts everyday. According to her, it was easier to not use peer mediation because it was too difficult to schedule. Rather than call the peer mediators and Kristine, the vice-principals chose to send the students to Jenny’s office. She explained to me that she had no mediation training but her work as a social

worker qualified her to do the mediations (personal communication, April 4, 2011). She explains:

If something flairs up, we can't find her and she is doing other things. For administrators, Jenny is here so she can handle it. It is convenient. When there is time we can use peer mediators but not when it just flairs up. Things blow up in the hallway and we pull them in (personal communication, April 8, 2011).

For the rest of the year, this is how the student conflict was handled. With one exception, two girls in the night program were in a fight and Kristine was called for peer mediation. None of the peer mediator students would agree to come back at night for peer mediation so Kristine mediated the case herself. Yet, another example of a peer-less peer mediation.

In summary, it is important to note that this school has received accolades for its peer mediation program by the media, the school district, and the Peer Court Program. A high school student from a local high school peer court explained to me that the peer mediators at Avanza are considered "the best in the state." The program at Avanza is considered to be the premiere program and example for all of the nonalternative schools in the school district. Yet, in reality this is a program that is barely functioning. The students do not have self-determination when going to peer mediation; they are referred. They are pressured to sign an agreement, which is later reviewed for approval by school officials. They are not able to determine who mediates their case. When there is a case it is most often canceled because no one is available or willing to mediate. If they do mediate, the teacher is monitoring the proceedings closely. Finally, the program has recently deteriorated to the point that they are forgoing the use of the program and opting to have the fulltime social worker handle the student conflict. These aspects of the program render it useless and unsuccessful. In its current form, the peer mediation

program at this school is more of a public relations program for the school administrators and school district. It allows the administrators to give themselves a proverbial “pat on the back” for a job well done. In this case the administrators are benefiting from the positive public image more than the students benefit from the program itself.

The Second Problem: This School is More of a Juvenile Detention

Center than a Learning Center

At Avanaza there are disciplinary techniques of correct training and systems of punishment that include heavy surveillance, suspension, parent meetings, expulsion, and school transfers. Davis (2003) explains that when students attend schools that place a greater value on discipline and security than on knowledge and intellectual development, they are attending prep school for prison. This is like Avanza where constant and extreme surveillance of students is common. The presence of video-surveillance in the school, the police officer by the front door, and the school’s closed campus policy, which also includes the rule that students must not leave the floor to which they are assigned, creates an atmosphere of high security, supervision, and regulation by school officials.

Monahan (2009) explains that independent evaluations of video surveillance systems have found them to be entirely ineffectual at preventing violent crimes, yet these systems continue to be funded at a record rate. He adds that surveillance systems at schools have profound results at schools in integrating law enforcement functions into the everyday practices of individuals at schools and the subsequent rise of a culture of control that supplants other social or educational missions of public education. Additionally he

asserts that surveillance systems in schools engender identity constructions as either victim or criminals.

Casella (2001) explains that since schools operate as institutions of social control by providing an important custodial function with respect to the care and movement of children, they exercise considerable authority over students and many of the basic civil rights of students are suspended while they are in school. Watts and Erevelles (2004) argue that similar to social contracts that serve as the basis of order in democratic societies, students are expected to relinquish a certain degree of freedom in exchange for receiving the benefits of education. However, when the costs of education outweigh the benefits, students are less likely to comply with the oppressive system. For some students, their responses to school policies and procedures are rooted in an active rejection of the dominant culture's norms and values, and so they consciously engage in behaviors that ensure educational failure (Willis, 1977; Giroux, 1996).

At Avanza there is a hierarchy of punishment for students. Each step lower in the hierarchy is more oppressive, more controlled, and less comfortable for the students. To provide a clear picture of the whole hierarchy, a student has the potential to be (1) sent from their traditional school and sent to Avanza's main school site, (2) sent from their main school site of Avanza and sent into the second site of Avanza, which is an old junior high school building near the main school site, (3) sent out of the second site of Avanza and sent into a cramped portable with no windows, bathrooms, or running water (they have a portable bathroom outside the portable), and finally, (5) sent out of the portable and out of school. Each step down in the hierarchy is more oppressive, more controlled, and provides less education and comfort for the students.

The Portable of Avanza: An Unimaginable Version of Schooling

At the lowest level of the hierarchy, the students are forced to stay in an overcrowded portable for 8 hours every day with the same teacher without basic amenities like plumbing or running water, while they endured remedial curriculum from a substandard teacher. During a typical class period, Kristine, the peer mediation teacher, is visiting the portable lecturing on conflict resolution, the students are writing on papers, reading books and newspapers, and listening to music.

As Kristine lectures, the students yell out answers. Kristine replies, “Hey, hey, if you want to talk raise your hand. I’ll be happy to call on you.” As class continues, Kristine introduces the game “telephone” as a learning exercise for the students to work on their learning skills. The students groan out loud collectively.

Kristine: Okay. We are going to play the game telephone.

The class collectively groans.

Kristine: I will explain the rules. But if this turns dirty then Dave will squirt you with a water bottle.

Angela (student): This is so fucking lame.

All of the students around her nod in agreement.

Jasmine (student): I think we stopped playing this in elementary.

Isaac (student): This is freakin hilarious (*stated with sarcastic tone*).

As the students whisper the statement to each other. I overhear Isaac say loudly, “I don’t know what the fuck she said.” At the end of the game Kristine asks the student at the end of the room, “Okay, what did you hear?” Mario replies, “Hump the man on the moon.” The whole class laughs. Kristine then remarks, “Okay that was not it. What can we do to

make our listening more effective?” Jacob yells out, “Allow us to repeat and then shut up and listen.” This interaction continues for a bit longer. I notice throughout the class time that the students are not giving her the “correct” answers.

Kristine asks the students to repeat another statement but this time they can ask clarifying questions. As the students begin the game again, Isaac looks at the student next to him and asks his “clarifying question,” “Did you fuck it up?” He then says to her, “Don’t fuck it up.” Then he says out loud, “I was going to switch it up and say, “Girl has a hot wife.”

The final student states what he heard, “Your bladder is on the right side.” Kristine turns to Dave, the fulltime teacher, and asks, “Is the water bottle almost empty?” It is full. Dave has not squirted any of the students. Kristine starts debriefing the game and a student yells out, “This game is for elementary students.” Kristine ignores the comment and asks, “What things do we have in common that help us communicate better?” Mario answers, “We all speak English.” Angela then comments, “That is not true.” Kristine asks Mario, “What is your name?” Dave, the teacher replies, “Just call him his brother’s name, that is what I do.” Mario then says, “Fuck you, Dave.” Dave ignores the comment.

Overall, the students are bold in their discourse choices, criticizing Kristine’s curriculum, altering the game to give it a more risqué outcome, and using profanity when responding to the teacher. These choices are understandable considering that the classroom setting is intolerable. The curriculum is insulting and remedial. The teacher is under-qualified, not licensed, patronizes the students, speaking to them in a demeaning tone. In addition the presence of the squirt bottle as a punishment measure is degrading

and inappropriate. The students are correct in resisting and fighting against this appalling treatment. This is no longer a practice of education but rather preparation for juvenile detention.

Although it is the most extreme version of oppression found at the school, this classroom is representative of the larger structure of Avanza with its detention-like practices, the teacher's mindless exercises and lessons, the students' modes of resistance toward the teacher and the lesson, and punitive disciplinary measures. With these practices, which are oppositional to the tenants of peer mediation which are generative, creative, and empowering, it is not surprising that this context is unsuccessful at supporting a functioning peer mediation program.

The Main School Site: A Modern-day Panopticon

The Panopticon was an architectural design for a prison. It was developed initially by Jeremy Bentham (Foucault, 1975). Foucault (1975) discusses Bentham's Panopticon, a building tower at the center from which it is possible to see each cell in which a prisoner or schoolboy is incarcerated, explaining that visibility is a trap. The individual is seen but cannot see or communicate with the warders or other prisoners. The Panopticon induces a sense of permanent visibility that ensures the functioning of power. This design ensured that power should be visible yet unverifiable. The prisoner can always see the tower but never knows if or where he/she is being observed. The use of video cameras in schools employs the same principles of observation, so that the students are never entirely sure whether or not they are being watched.

On each floor of the five-story industrial-style complex of Avanza there are surveillance cameras. There are also cameras in the elevators. In addition, on the first floor of the building there is a police officer stationed during school hours watching the security monitors and the hallways. The combination of these elements creates a look and feel of a modern-day Panopticon at the school. As Watts and Erevelles (2004), explain schools these days look like prisons, complete with police officers, security cameras, security wands, metal detectors, and the institution of dress codes that demand conformity.

In between classes, the students “perch” on the railings looking down at the other students below. The students are only allowed to stay on their designated floors during school. Each grade has an assigned floor. The center of the building is open and often the students will yell out to the students on the other floors. They also yell down to students who are climbing the stairs in the middle of the school. In addition, the teachers are instructed by the administrators to monitor the hallways in between classes. They are to tell the students to “go to class.” The shouting of the students from each floor combined with the shouting of the teachers creates a high level of noise, commotion, and chaos in-between classes.

I asked one of the students, Tia, about this and she explained, “Well, since we can’t go like downstairs or anything, we just sort of peek over to see who is over there, to see what is new down there. I feel like it is more social at other schools. You don’t just stay on one floor (personal communication, March 21, 2010). Alicia adds some advice to Tia’s comment, “One thing about Avanza is don’t ever date anybody from another floor. Yo. I just dated a sophomore. No. Never again. Never again. Never yo. Never dog. She

is so weird. Especially from Avanza. You don't know what you are getting yourself into. Yo" (personal communication, March 21, 2010). Tia ignores this dating advice and starts talking about the rules again, stating, "And we get in trouble if we talk to the adults during school hours. Like we are not supposed to." Alicia adds, "Yeah. If we are going downstairs and we stop on the third floor and we stop to wave to somebody, we get in trouble" (personal communication, March 21, 2010).

According to the students "getting in trouble" means, "You are kicked out." "You are suspended." "There are no second chances here" (personal communication, March 21, 2010). Bella, a peer mediation student, elaborated on this, "That is something I really dislike about this school. That if you take forever in the bathroom, it is considered for some reason a sluff, like really? They don't even warn you or anything they kick you out. You have to come back with a parent. It is embarrassing" (personal communication March 21, 2010). If this happens the students are required to reregister for school. If it happens often they are required to go to a lower site of the school, like the portable. The students in the peer mediation program explained to me that they did not want to go to the portable. They would rather stay at the main site because everyone is more "chill." Alicia elaborates stating:

Everyone is more chill. Everyone that comes here is a pothead, druggies. They don't understand. They are gangsters. It was hella funny it was like my third day here, no my fifth day here, and like there is this like this South-Sider and a Northie and they were like (*Alicia does the fist motion like a punch*). This South-Sider was like, 'Yo, I am going to beat your ass' and this fat kid was like, 'Yo, I am going to give you a Twinkie' (personal communication, March 21, 2010).

Tia adds a comment about the students at the school stating, "It is separated like the boys who were blue. They are separated by color. Like the ones that wear a blue shirt." Alicia explains, "And then there are Serenos. Yeah, everyone in red, you see them standing over

there. And the Serenos they were blue right here.” Bella explains, “Everyone has their own little group” (personal communication, March 21, 2010).

As a result of this, Avanza has a dress code policy that states that students cannot wear clothes of similar color. For example, students cannot wear blue jeans and a matching blue shirt. Alicia explains that they have this dress code to prevent the students from wearing gang colors. She tells me that once she was told by a teacher to zip her jacket because her shirt was too similar to her pant color. She told the teacher that she could not zip the jacket because it was too small for her (personal communication, March 12, 2010). In her words:

I was wearing blue jeans and a turquoise shirt and here comes Kurt and he is like, ‘Blue on blue’ and he was like, ‘Zip up your jacket’ and I was like, ‘Can’t you see this jacket is too damn small I can’t zip it.’ And the Tongie came up and was pissed and went off on him. And Kurt looked like (*she makes a weird look*) and I am trying to figure out what kind of underwater animal he looked like and his class is ridiculous. It is a laughing matter.

For Alicia, the dress code policy is a “laughing matter.” It is ridiculous. Even so, she was sent home to change her clothes. When Alicia told me the story she told it in front of some of the other students, she acted the story out, tugging on her jacket, showing us how she could not get it zipped. The other students were laughing hysterically and enjoying her reenactment of it. Alicia is a bright and energetic student. She stands out as a student leader with a lot of charisma. This is missed by many of the teachers and staff I interviewed at the school. She is labeled as a “troublemaker” at Avanza. She has been sent to the office many times, suspended, been sent to court-ordered anger-management six times, and she has a restraining order against her by her last school because of anger outbursts. She has the potential to be a top performing peer mediator, based on what I observed. She was a smart student, with a lot of interest in criminal justice. She was

quick to understand conflict resolution concepts and preformed well in mediation role-plays.

Cell Phones

Students also dislike the school's cell phone policy. The school policy about cell phones states that if a faculty member or staff sees a phone they take it from the student.

Bella explained that her advisory teacher said that she had a problem with her phone:

Cause my phone started ringing and she wanted to take it away and I wasn't even using it. And the policy here is that if they see you using it they take it away. If you are taking phone calls they take it away. If it rings they can't take it away and I told her that. She said, 'Oh my God, Itza, I think you have problems with your phone.' I was like, 'Don't talk to me like that' (personal communication March 21, 2010).

Bella explains in this example that the teacher actually did not see the phone so Bella had not actually violated the policy. She therefore was empowered to tell the teacher not to talk to her "like that." According to Casella (2001), dress code policies, among other policies of control, are ineffective but continue to be enforced. Devine (1996) explains that students' resistance to oppressive school culture has only been met with more stringent ways to control them. This dialectic tension of resistance and control is a foundational aspect of alternative schooling. As the students demonstrate modes of resistance, the school officials innovate new ways to control them. According to the students I interviewed, Avanza is a place of social inequity, tight control, distrust of students, and racism.

The Third Problem: Racism and Inequity of Avanza

van Dijk (1993) argues that racism manifests itself in discourse, often in relation with other social practices of oppression and exclusion. The social cognitions that underlie these practices are largely shaped through discursive communication within the dominant White group. Discourse plays a crucial role in the societal reproduction of the basic mechanisms of most racist practices. van Dijk further states, “White elites are fundamentally part of the problem of racism” (p. 17). Alicia, a peer mediation student at Avanza, described an experience she had at Avanza with racism. As she explains it, Jane, a White teacher, was highly favoring a White student at the school named Cory. She explains:

On the rule crap, I am honestly saying, I think she is racist and it is not even because I am black. One day she takes Bella’s phone every times she sees it but Cory she says, ‘Oh Cory, put it away.’ And I am like, ‘What the hell?’ One time I got it out just to look at the time and she was like give it to me, give it to me. And she was following me around saying, ‘give it to me.’ And I was like, ‘Hell no.’ Get away from me. You stalker. She is way racist. She is rude. On everybody else’s paper she put good job but she didn’t do that to mine and I got 10 out of 10. What the hell? Why didn’t she do that for mine? She is just rude. And she singles people out the way she talks to certain people, the way she jokes around with certain people and then the other people are like getting the cold shoulder and everybody cheats like in her class like this packets and everybody is like, ‘Yo. What did you get the answer for this one?’ But she seen Tia do it one day and she went off on Tia.

Tia, another peer mediation student, then adds, “She went crazy. And I was like you better chill.” Alicia continues to tell the story, “But Cory is back there doing it? I was like Cory is back their doing it. And I was like 5 minutes late and she was like, ‘You guys are absent.’ But Cory will come the last five minutes of class and he will get a wonderful greeting. And we get a talkin’ to.” Tia interjects, “He gets a wonderful you are on time.” Alicia adds to Tia’s discourse in a mocking voice of the teacher, ‘Oh Chad it is good to

see you.’ And for us, ‘Why you late?’ Tia then remarks, “I think she is racist.” Alicia agrees:

I feel it is racism. There is this White girl and she always talks to Cory and she stays talking and she is so annoying. And I said, ‘Shut up.’ And she keeps talking and talking and Jane will never tell her to stop talking. But if me or Tia are talking she is like, ‘Be quiet.’ And she freaks out on us. She freaks out on the whole class but when Cory and that White girl are talking it is like, ‘Yo. Really?’

Bella, a peer mediation student who has been quiet during the group interview of the current peer mediators at Avanza then adds, “That is so true. Cause I have that class and there are three tables in the back and they are like Mexicans and darker kids and she is always telling them, ‘Oh my God!’” Tia then states, “She yells, ‘Be quiet.’” Alicia then explains, “And then Cory and them’s table they can be so loud and she will just laugh it off. Like one day she was screaming at the Mexicans, ‘Shut up’ and then Cory said something and she laughed it off.” Bella explains that, “There is a table in the corner and it’s three White kids.” Alicia responds saying:

For reals. That is the first table she goes to help: Cory. She starts at that table to go around and help and I will have my hand up for like 30 minutes and I am the last person she will come to and then she jumps back to Cory. Cory won’t ask for help. Why do I have to be the last person when Cory won’t even ask for help and he won’t even do his work and you are coming to me last? I don’t like Jane at all. And then she will be trying to talk to me. And I was saying it to Tia, ‘Yo. I think Jane is racist.’ And I think she heard me. And she was trying to be nicer and then everything changed and then I was like, ‘Yo. I am talking to Mary about it.’ I was going to talk to Mary about it and say, ‘Jane is really racist.’ And then Jane walked in. I don’t care if she heard me I wish she would. Like my mama will take her job away. She is really rude. Like really really rude.

Alicia describes the oppressive and racist environment of Avanza, as she has to deal with a racist White elite teacher. As Alicia tells the story, she includes linguistic conventions such as humor, criticism and sarcasm while defining the experience. She has support from the other students in the group interview who agree with her and remark that they

have also faced racism at the school. Thompson (1991) reminds us that, “Every linguistic interaction, no matter how personal and insignificant it may seem, bears the traces of the social structure that it both expresses and helps reproduce” (p. 2). This linguistic interaction is personal and significant. It is a clear representation of the embedded racism of the school and the larger United States culture. According to Grossberg (2005):

For many kids in the United States, the state of their lives is the effect, not only of their existence as kids, but also of their existence as members of minority racial or ethnic groups. The brunt of the economic and legal disciplining of kids falls heavily on children of color, especially African Americans, and to somewhat lesser extent, ‘Hispanic’ youths (p. 82).

Grossberg (2005) makes the argument that a war against kids is going on within the United States. “Kids have become the scapegoat for their parents and for a government that has largely failed to fulfill its responsibilities” (p. 86). Pintado-Vertner and Chang (2005) add, “Youths of color are the overwhelming majority of the war on kids’ causalities” (as cited by Grossberg, 2005, p. 82).

At Avanza there is a discursive pattern among the White elite administrators and staff to blame the kids and use them as “scapegoats” for the problems at the school. This was also the case when school leaders would describe the problems with the peer mediation program. Rather than take responsibility for the decline in the success of the peer mediation program, the school leaders blamed the students.

CHAPTER 7

CONCLUSION

“Education is one realm in which constitutional guarantee of equal opportunity has not been adequate to promote and protect the social equity embedded in the promise of U.S. democracy” (Gomez cited in Greene, 2008, p.3). The most extreme version of disregard of equal opportunity and social equity is occurring with the rise of alternative schooling programs with the purpose of warehousing “disruptive” students considered “at-risk” for failure (Kim & Taylor, 2008; McNulty & Roseboro, 2009). The majority of the students within these schools are youth of color (Glassett, 2012). These students continue to be segregated from White students of privilege for the benefit of the White community. This form of de facto segregation, which pushes students of color into educational lock-down facilities, reinforces a persistent and enduring historical legacy of discrimination and racism in schools in the United States.

As a result of the oppressive educational conditions of alternative schooling, like the examples found in this case study, students feel vulnerable, angry and resistant to the normative expectations of racist prison-like school environments (Watts & Erevelles, 2004). This has resulted in escalating school conflict (Cremin, 2007). As schools search for solutions to school conflict, peer mediation programs have emerged as a potential option for schools. The problem is that peer mediation programs within alternative

schools are being implemented at a record rate with little research that focuses on this particular conjuncture, where transformative conflict resolution practices of peer mediation meet the oppressive conditions of alternative schooling.

This study answered that call with the guiding framework that peer mediation programs are dedicated to emancipation, empowerment, autonomy, responsibility and transformation, while alternative schools continue to serve traditional schools by warehousing disruptive students and have prison-like environments—where peer mediation is a structure of transformation, alternative school is a structure of oppression. Critical discourse theory and analysis were used to take up issues of power, ideology, surveillance, marginalized voices, and oppression of students.

Peer Mediation and Alternative Schooling

Jones and Kmitta (2000) argue that effects of peer mediation education on students include: increase in academic achievement, positive attitudes toward school, assertiveness, cooperation, communication skills, healthy interpersonal/intergroup relations, constructive conflict resolution skills at home and school, and self-control. They also suggest that conflict resolution education, like peer mediation training, decreases aggressiveness, discipline referrals, drop-out rates, social withdrawal, suspension rates, victimized behavior, and violence. It also has significant positive impact on schools including reducing disciplinary actions and suspensions, improving school climate (especially in elementary schools) and improving classroom climate.

Yet, Gerber (1999) questions if peer mediation really works. In a review of a study by Terry (1997; as cited by Gerber, 1999) of a local high school, he explains that

there was a general awareness of the program, moderate satisfaction, and a disinclination to use it. Specifically, when the students were asked whom they would most likely go to for help with an interpersonal conflict, they report that they would mostly likely go to a friend. A very small percentage reported that peer mediation would be their choice. Likewise, the faculty members at the school were aware of the program and felt like it was important and useful. Yet, when asked if they would refer students involved in a dispute to peer mediation, the majority indicated they were not likely to do so.

These findings are similar to what was observed at Avanza. Within the program of peer mediation exists a contradiction between the viewpoint of satisfaction for the program and the disinclination to use it. Additionally, the current program at Avanza is not significantly transforming or empowering the students' lives. It is benefiting the administrators and staff more than the students, as it is a public relations program more than a peer mediation program. It is also housed within a racist and inequitable structure that is reinforced by White elitism and constant discrimination. In actuality, this program is a form of remedial education and mistreatment, taught by an under-qualified and inept teacher, within a sophisticated lock-down facility.

I believe one of the reasons this is the case is because of the structural incompatibility of peer mediation and alternative schooling. In other words, as much as the students, faculty and school administrators believe in the value of the program and the opportunities for student growth, the fact remains that it is also viewed as a disciplinary measure within a stifling context, which creates a natural stigmatization. This creates apprehension in the students and lack of trust in the true nature of the program.

Another reason is the culture of extreme surveillance, with the presence of video monitoring equipment, a police officer, and the oppressive school climate, which are in opposition to the guiding premises of peer mediation. Rather than focusing on its value as a more palatable punitive measure, it has to be viewed from the perspective of a productive learning process for students. Within this process, the students need to be given the tools to foster open communication, trust and respect among disputing students. Students need to not feel pressured to reach agreements; they need time and space to work out their resolutions.

Finally, peer mediation is a fundamentally different approach to the distribution of power, disciplinary decision-making, and the relationships between the students and school officials at the school (Theberge & Karan, 2004). Thus, it needs to be housed within an educational context that can support these needs. It also has to have an abundance of support from those in the school community. Most importantly, the students need to be heard and empowered. They must socially validate the program and believe that they are active agents of positive change within their own school and community. Without the student and faculty support and “buy-in,” the potential success of the program is unlikely; without a supportive context, the program will fail.

From a critical standpoint, the students were not given the tools they needed to achieve the growth and transformation that peer mediation offers. They were not given the opportunity to share in authority, speak openly, or have autonomy to make decisions during the peer mediation process. Only giving the students limited power, if any at all, undermines the premise of peer mediation and renders it virtually useless.

Furthermore, the future of the program at Avanza is in constant flux and uncertainty. The school is facing another major transition as the current teacher is leaving and UDR is looking for a replacement. Also, with a new school principal, who is not involved in the program, and the vice-principal retiring soon, the future of the program is questionable.

Nationwide, peer mediation has a sizable following in public schools, according to Gerber (1999). However, he argues that this may be a result of effective marketing. It may be “another example of educational consumerism where the dynamics of the market are more pronounced than are the dynamics of the scientific enterprise.” He adds, “Whether fad or sound pedagogy will be determined more by sound research than by the fickle nature of educational usage” (p. 3).

Educators may eventually move away from peer mediation programs but for now peer mediation continues to be a growing enterprise that is generating research support. Further empirical work needs to happen. Particularly, critical and discursive studies that center issues of structure, power, authority, and autonomy within the experience of peer mediation and alternative schooling.

There is a need to engage in research that involves triangulation that focuses on student discourse, school structures, and peer mediation. There is also a need for more longitudinal critical research that shows how these programs change over time for students, educators, and schools. This work will provide researchers and conflict resolution practitioners with new insights that will continue to improve and enhance the peer mediation experience comprehensively.

The Future of Peer Mediation and Education

If our educational system, particularly within alternative schooling, is a context which marginalizes youth of color, and maintains a “dismal” reality for students, even with the introduction of transformative mediation practices with all of its empirically tested benefits, is there any possibility for a different outcome? Are our educational practices a context, which is constrained and frozen by sociocultural and sociohistorical factors? Or is there possibility for change? Even radical change?

This line of questioning coincides with Simon (1992) who questions the goal of education. He asks, “‘What should be taught and why?’ with considerations as to how that teaching should take place.” Simon’s inquiry into the nature of pedagogy questions issues of content and purpose. As Hall (1997) reminds us:

It is by our use of things, and what we say, think and feel about them—how we represent them—that we give them meaning...the words we use about them, stories we tell about them, the images of them we produce, the emotions we associate with them, the values we place on them (p. 3).

Similarly, Derrida (1992) asks:

What do we represent? Whom do we represent? Are we responsible? For what and to whom? If there is a university of responsibility, it at least begins with the moment when a need to hear these questions, to take them upon oneself and respond, is imposed. This imperative for responding is the initial form and minimal requirement of responsibility (p. 80).

As we consider the accomplishment of education, the cornerstone of its purpose, perhaps it is time for a shift in thinking. Perhaps it is time to consider representation and responsibility. Rather than focus on add-on programs like peer mediation within alternative schools, we need a new way of educating altogether. Rather than consider peer mediation as a tool to help schools, perhaps it should be considered as *the* pedagogical model for the entire school.

This, however, is a radical premise. It would potentially strike fear in the hearts of the traditional administrators, parents, political leaders, and the community who are highly invested in the standardization and industrialization of public schooling. This model would be counter-intuitive, experiential, and progressive in its aims. It would turn everything upside down. This would be a model of schooling without hierarchy, zero tolerance policies, or surveillance protocols. This would be a highly creative endeavor that would encourage democratic education, alternative dispute negotiation, egalitarian foundations, and transformative ideals.

Peer mediation education as a comprehensive initiative has the ability to reveal, interrogate, and challenge legitimated social forms of teaching, learning, and knowing while working toward transforming social systems to liberate students' lives. This could create a possibility for students to participate as active cultural agents, without a marginalization of their voices. This would require a radical shift in thinking away from traditional approaches of schooling and pedagogy. It would require imagination and creativity. It would also be threatening to traditional education models.

Major shifts in current educational practices would have to be implemented. To begin, the school structure would have to be restructured, from the building design, to the school curriculum, to the hierarchy of power, and so forth. The students and the teachers would have to construct something jointly. As Varenne and McDermott (1998) explain:

What they will construct is something-that-is-relevant-to-Classroom, a *particular* instance of Classroom. It is the particularity that does not exist at the beginning. It is the particularity that will allow someone to say at the end of the session, 'This was a good class...' This local construction may create a fact that will have to be taken into account the next time the participants meet, whether because something extraordinary happened ('That was the time when so-and so did such-and-such, and things have never been the same since') (p. 185).

As a result, schooling would be a dialogic student-centered experience. Teaching would encompass an egalitarian approach. This would require a more democratic orientation on every level. Students' voices would be participatory in the decision-making process. Students would be self-reliant, autonomous and empowered. Students' participation would be generative, collaborative, and influential. The educational process would encompass agreements with mutually determined protocols and procedures regarding interaction and expectations between educators and students. The students would be given equal turn-taking, respect, and trust regarding educational policies.

The school administrators would not make unilateral decisions and would not enforce these decisions with traditional punishment methodologies. Mediation would be the tool used by students, educators, and administrators to negotiate agreements about resolving conflicts at the school. Dialogue and collaboration among all parties would become a central component of the school's way of operating. Friere (1970) explains that:

Only dialogue, which requires critical thinking, is also capable of generating critical thinking. Without dialogue there is no communication, and without communication there can be no true education (p. 93).

He continues:

Education which is able to resolve the contradiction between teacher and student takes place in a situation in which both address their act of cognition to the object by which they are mediated. Thus, the dialogical character of education as the practice of freedom does not begin when the teacher-student meets with the students-teachers in a pedagogical situation, but rather when the former first asks herself or himself *what* she or he will dialogue with the latter *about* (p. 93).

Dialogue is central to praxis, which is informed action (Friere, 1970). Through praxis, educators trust in students and their ability to reason (Friere, 1970). "Whoever lacks this trust will fail to initiate (or will abandon) dialogue, reflection, and communication, and

will fall into using slogans, communiqués, monologues, and instructions” (Freire, 1970). Ultimately, transformative mediation pedagogy is a manifestation of critical pedagogy with its emphasis on education as a dialogic embodied practice.

Comprehensive peer mediation education encompasses the procedural fairness outlined by the mediation process including: (1) being heard and acknowledged, (2) transparency for all involved, (3) trust, and (4) treatment with civility and respect. Pedagogy that incorporates voice, transparency, trust, and respect is a positive first step toward a new way of educating students. In addition, this would require a new way of organizing and redistributing power.

“Knowledge is a social construction deeply rooted in a nexus of power relations” (Freire, 1970, p. 66). Fariclough (1989) adds that the social structures are relations of power, and the social processes and practices are process of social struggle. Discourse is part of the processes of social struggle, within a matrix of relations of power. Conceptualized in this way, power is not the property of any person or group, but it is something that you can exercise through discourse (Burr, 1995).

Burr (1995) argues that discourses are not monolithic (although, I would argue that at times they seem to be impenetrable). This means that they do not interlock neatly with each other, cleanly without cracks or weaknesses. There are weak points, places where they can be re-imagined, reframed, and renegotiated. They are always being contested. This is Foucault’s position about power and resistance, that they are always operating together. This is key to the possibility of transformation—where there is discourse, there is a possibility of resistance and reinvention. Freire (1970) states:

Only through communication can human life hold meaning. The teacher’s thinking is authenticated only by the authenticity of the students’ thinking. The

teacher cannot think for his students, nor can he impose his thoughts on them. Authentic thinking, thinking that is concerned about *reality*, does not take place in ivory tower isolation, but only in communication. If it is true that thought has meaning only when generated by action upon the world, the subordination of students to teachers becomes impossible (p. 55).

As a result, education would no longer be an instrument used to facilitate the integration of generations into the logic of the present system, bringing about conformity to it. It would become a “practice of freedom.” It would become an embodiment of dialogic, student-centered learning. It would be the means by which students deal critically with reality and discover how to participate in the transformation of their world (Mayo, 1999). Education thus becomes a generative process of possibility for students rather than a practice in endurance and oppression.

Education, like other representations of culture, is always evolving; it is in “perpetual motion” (Rosaldo, 1993). It is a system of ongoing sets of conversations embodying conflict, compromise and change (Burke, 1957). It is shaped by the dialectic of structure and agency (Giddens, 1979). It is inherently ideological (Bakhtin, 1981). Finally, it is prone to manipulation and distortion by powerful interests (Foucault, 1980; Gramsci, 1978; Habermas, 1979). Education exists only when embodied by people. It is socially constructed through people, and people compete over ontologies and epistemologies, across a continuum of possibilities. Within this continuum, there is a new way educating students based on a peer mediation education model.

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